CARDINAL GIOVANNI BATTISTA DE LUCA: NEPOTISM IN THE SEVENTEENTH-CENTURY CATHOLIC CHURCH AND DE LUCA’S EFFORTS TO PROHIBIT THE PRACTICE

H. Lee Cowan, A.S., B.S., MA.CL., M.DIV

Dissertation Prepared for the Degree of

DOCTOR OF PHILOSOPHY

UNIVERSITY OF NORTH TEXAS

August 2012

APPROVED:

Laura Stern, Major Professor
Denis Paz, Committee Member
Randolph B. Campbell, Committee Member
Sarah E. Fredericks, Committee Member
Richard B. McCaslin, Chair of the Department of History
Mark Wardell, Dean of the Toulouse Graduate School
This dissertation examines the role of Cardinal Giovanni Battista de Luca in the reform of nepotism in the seventeenth-century Catholic Church. Popes gave very large amounts of money to their relatives and the burden of nepotism on the Catholic Church was very onerous. The Catholic Church was crippled by nepotism and unable to carry out its traditional functions. Although Cardinal de Luca and Pope Innocent XI worked tirelessly to end nepotism, they were thwarted in their attempts by apprehension among the Cardinals concerning conciliarism and concerning the use of reform measures from the Council of Trent; by Gallicanism and the attempts of the French King to exercise power over the French Church; and by the entrenchment of nepotism and its long acceptance within the Church. Cardinal de Luca and Innocent XI were not able to push through reforms during their lifetimes but Pope Innocent XII was able to complete this reform and pass a reform Bull. This dissertation has two complementary themes. First, a confluence of circumstances allowed for the unfettered growth of nepotism in the seventeenth-century Church to the point of threatening the well-being of the Catholic Church. Reform was not undertaken until the threat to Church finances was severe. Secondly, two upstanding and
honest reformers arose in the Catholic Church to correct the problem, de Luca and Innocent XI. The achievements of Cardinal de Luca, also an important reformer of the Canon Law, are almost unknown to an English-speaking audience.
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CHAPTER 1

INTRODUCTION

The Catholic Church has been a defender of Christianity from its inception. The institutions of the Church have endured assaults of every kind through the centuries. Some of the worst assaults on the Church unfortunately came from within the Church in the seventeenth century. Nevertheless, the Church was weakened in its efforts to carry out its primary mission because of the problems of nepotism and abuse of papal finance in the seventeenth century. The purpose of this dissertation is to discuss nepotism and the abuse of papal finances and the reform of these problems when the Church was driven by absolute necessity to do so. A further purpose of this dissertation is to highlight the reforming work of Cardinal Giovanni Battista de Luca, an eminent Churchman who has not received his deserved importance as a historical figure particularly before an English readership.

Nepotism affected the Catholic Church during various periods, but especially in the seventeenth century. The giving of money, land, and other benefits to the relatives of the popes and other high-church officials caused financial problems that diminished the effectiveness of the Church in carrying out its mission. Seventeenth-century Pope Innocent XI (1676-89) and his reforming advisor Giovanni Battista de Luca (1614-1683) attempted to reform the practice of nepotism.
It is the thesis of this dissertation that the Catholic Church of the seventeenth century allowed nepotism until it was forced by absolute financial necessity to extinguish the practice. During this period of absolutism in the secular governments, the papacy was exalted, partially because the papacy had suppressed the conciliar movement, a movement promoting a more constitutional papacy. Because of the exaltation of the institution of the papacy, popes were permitted to use treasuries, like the datary (an autonomous finance office available to the pope), as their own personal funds, with little accountability.\footnote{Paolo Prodi. \textit{The Papal Prince - One Body and Two Souls: The Papal Monarchy in Early Modern Europe.} Transl. Chapter 1ated by Susan Haskins. Cambridge: Cambridge University Press, 1987, 97.} Popes saw their term of office as an opportunity to provide for the futures of their families and establish land holdings in Lazio (a region of west central Italy surrounding Rome). It is my contention that papal financial records show that the Church did not have the money to repel the Turks, nor to carry out the missions of spreading Catholicism back into Protestant lands, and introducing Catholicism into newly discovered lands because of the expenses incurred by nepotism. Stopgap measures like establishing a funded debt (\textit{monte}) did not solve the problem. Only when the Church was on the verge of bankruptcy did Innocent XI and Giovanni Battista de Luca attempt reform.

Therefore, the point of this dissertation is to show that a confluence of circumstances allowed for the unfettered growth of nepotism. However, great men, like de Luca and Innocent XI stepped forth to stand up for the principles
and aims of the Church. The following is a description of how the dissertation proceeds. Chapter 1 introduces this topic and gives a historiography and literature review. Chapter 2 is a short biography of de Luca, which highlights the overall important of his work, not just in the field of reform of doctrine but also in the field of reform of canon law. He attempted to take the whole of the canon law and make it accessible and understandable to a greater audience, those actually affected by the law. A general biography is necessary to show the scope of his sphere of influence. It took great men like de Luca and Innocent XI to overcome resistance to conciliarism, Gallicanism, and the entrenchment of nepotism to promote reform. In the end, the problems associated with reforming nepotism were too great for de Luca and Innocent XI to overcome, even though they made a concerted and valiant attempt to do so. However, their efforts laid the groundwork for reform under Innocent XII. De Luca should be given more credit for his efforts. Starting from Chapter 3, the chapters discuss the difficulties facing the reform of nepotism. Chapter 3 demonstrates that after Pius II’s Bull *Execrabilis* in 1460, the conciliar movement was dead and the councils no longer imposed limitations on the pope. The late medieval councils had been consumed with limiting the Papacy and had spent little attention on other reforms that might be necessary, like the reform of nepotism. In addition, the popes developed an aversion to any council whatever, so a valuable platform for discussion and change was largely terminated. Chapter 4 discusses Gallicanism, the body of claims to privileges by the French Church and French King in ecclesiastical
matters. Gallicanism had long been a thorn in the side of the universal church starting with the Babylonian Captivity of the Church and proceeding through the PragmaticSanction of Bourges of 1438. The French Church and the French King had a large influence over the universal church, often destructive, and gained important privileges that made the French Church more independent, subtracting funds from the universal church. The French were against the reforming decrees of the Council of Trent, and this made reform more difficult. The model of the absolutism of the French King was not lost on the Church, however. Because de Luca was a canon lawyer and an honest man, he supported the privileges of the French Church that it had gained through time immemorial through legitimate treaties with the pope. The pope wanted de Luca to support efforts to roll back French privileges and immunities. This point of contention between de Luca and the pope seemed to have ended de Luca’s career and taken away a premier reformer.

Chapter 5 demonstrates that money was demanded often for nepotism no matter what the financial condition of the Church was. After the 1370s the Church was in debt and the Church sold offices, created the funded debt (monte) and borrowed money to pay that debt. Some of these financial improprieties were done to raise revenue for nepotism. Nepotism can be seen to have a pernicious effect on the rest of the Church. Chapter 6 discusses the extent and forms of nepotism. From the time of Pope Gelaseus (494), prohibitions had been issued against popes giving money to their relatives, but these were largely ignored by
medieval, Renaissance, and Reformation popes, who needed their families for advice and support and enriched their families to form a power base. Nepotism had many forms. Whole families were lifted into the upper nobility through nepotism. Chapter 7 addresses the outstanding upright characters of Innocent XI and de Luca. The reforms carried on by these men together were not isolated events in their lives but followed years of reform and worthy behavior. Chapter 8 explains how de Luca went about organizing the Cardinals to pass the bull and centers interest on their volte-face and the subsequent reasons they alleged for their rejection of the bull, which terminated the attempt to pass it. Chapter 9 concludes that Innocent XI and de Luca were moved to end nepotism out of absolute necessity, the need for funds to fight the Turks, evangelize the world and carry on the regular activities of the Church. Both Innocent XI and de Luca were great men to stand up to opinion inside the Church.

Trent reaffirmed doctrine and made some reforms. It is my contention that the upper orders of the Church were not successfully reformed at Trent, because conciliar decrees were not papal decrees and held little weight with subsequent popes. In fact, because Trent was a council, subsequent popes were determined to ignore it. The upper clergy felt no compunction to follow Tridentine reforms.

The reform of nepotism was initiated by two important churchmen who cared about the ability of the Church to carry out its essential mission, Pope Innocent XI and Giovanni Battista de Luca. Innocent XI was elected specifically to carry out reform in the Church and, in fact, he had all the Cardinals sign an
oath at the time of his election that they would cooperate in reforms. They were subsequently not as cooperative as they had indicated they would be. Likewise, Giovanni Battista de Luca, a Cardinal, an advisor to several popes, a lawyer, jurist, and a prolific writer, was instrumental in attempting reform.

Part of the aim of this dissertation is to bring the work of this most important reform Cardinal to light. An investigation of the life of de Luca reveals a man totally dedicated to honesty and justice. He was known as Il Dottor Volgare because, as an expert in canon law, he translated the canon law into more simple popular language so that those subject to the canon law could understand its precepts. His honesty and devotion to justice was, in fact, his undoing. His frank opinion, as an expert in feudal law, that the King of France had a right to dominate many aspects of his church according to custom, former agreements with the pope and feudal overlordship, brought about the demise of de Luca’s career. His death soon afterwards afforded him no opportunity to reestablish his position with the pope. Consequently, de Luca has been discredited and nearly lost to history. Part of the aim of this dissertation is to bring his salutary work in the Church to light. He is little known to the Italian audience and virtually unknown to the English speaking audience.

Many issues confronted Innocent XI and de Luca in their attempt at reforming nepotism and influenced their discussion. Some of the issues were conciliar theory, Gallicanism, and entrenchment of harmful financial practices.

Opponents of conciliar theory played a role in defeating Innocent XI’s bull
on nepotism. Conciliar theory, believed by some to have been extinguished in the sixteenth century, continued to be discussed in the seventeenth century. Proponents of conciliar theory asserted that decisions made by lawfully convened Church councils were superior to decisions, in matters of faith, made by the pope because their body more accurately reflected the *congregatio fidelium* (congregation of the faithful). Because language used in Innocent XI’s bull was taken from the reform decisions issued by the Council of Trent, opponents of the bull argued that, for this reason, if the bull was adopted, a decision of a council would bind future popes, thus strengthening the conciliarists.

The Gallican controversy was another reason reform was difficult to carry out. This controversy gave rise to rumors and innuendos that caused Innocent XI and others in the Church hierarchy to doubt de Luca’s loyalty. The French influence caused a problem for the Church before, during, and after the Council of Trent. The French king and clergy rejected the decrees formulated during sessions at Trent; they argued that Trent was not a legal council. More importantly, they insisted on keeping all of the traditional liberties of the French Church, such as the right to keep tithes in case of necessity and the right of presentment. The more absolutist the Kings became, the more they saw the French Church as a department of the state under their control. The relationship deteriorated between Innocent XI and the French. When Cardinal de Luca was thought to favor the extensive rights of the King of France over his Church, he fell
from Innocent XI’s and the Church’s graces. This conflict slowed Innocent XI’s reform program because de Luca, his major reform agent, was no longer active. However, by examining the only extant manuscript written by de Luca on Gallicanism, it is revealed that his professionalism as a jurist dictated that he must give a legal judgment disappointing to the pope.

The cost of papal nepotism was a problem that became critical during the fifteenth and sixteenth centuries. As sources of Church income began to decline, the amount of money given to family members of the pope became a source of concern. This debate started in the sixteenth century but was not resolved until the official prohibition of nepotism by Innocent XII (1691-1700).

The first major attempt of the Catholic Church to start the process to control nepotism and limit its cost was at the Council of Trent. Trent issued a decree about the amount of money the Church could allocate to family members of the pope, but this decree was seldom enforced and seemed to have little effect. Not until the Pontificate of Innocent XI was a genuine attempt to prohibit the scourge of nepotism made. This attempt by Innocent XI made some churchmen want to accept the authority of Trent and the reforms made by Trent and by implication, conciliar theory.

By the election of Innocent XI, the idea of duality of the pope that the modern historian Paolo Prodi referred to in his book *The Papal Prince*, as one
Body and two Souls, had matured.² According to Prodi, there was one pope; however, he had authority over both the spiritual and the temporal realms.³ Machiavelli, in the *Prince*, Chapter XI, described the pope’s nature as a double-edge sword.⁴ Giovanni de Luca also referred to a two-edge sword in his *Relatio Romanae Curia*. However, de Luca favored a characterization of the pope as a quadruple person, with three spiritual roles and one secular role. In times past, the pope was identified with the role of the vicar-general of Christ and bishop of the universal Church; the second is the role of the eastern patriarchy; the third is the role of the particular episcopacy of the Roman state, and the fourth is the role of temporal prince of the city and of the temporal sphere of Italy itself.⁵

Despite the three spiritual roles and one secular role described by de Luca, in reality it was developments within the secular role that underwent significant changes in the seventeenth century. The secular role became almost an independent being that could do directly secular activities that the popes had never been permitted to do before. The pope had acquired a strictly secular role that was able to do strictly secular things, like make war and sell offices. According to Prodi, by the end of the sixteenth and the beginning of the seventeenth century, the pope presided not only over shrinking territory caused

³ Ibid. viii.
⁴ Ibid., 23.
by the Protestant Reformation and by absolutism of the princes (secular rulers),
but also over the spiritual decline caused by the internal conflicts within the
Catholic Church. Innocent XI found himself in a deteriorating circumstance in
which his temporal and spiritual authority was confined more and more to the
Papal States. He had lost his spiritual control over Turkish and Protestant held
territories. He knew that reforms within the Church were necessary to reverse
this trend and reestablish the prestige of the Catholic Church.

Innocent XI understood that for him to have the necessary funds to
institute the Tridentine reforms, counteract state absolutism, reinvigorate Catholic
evangelization of the world, and fight the invading Ottomans, he would need to
make changes. The Islamic invasion of Catholic Europe was a great concern.
The Turks were at the walls of Vienna after having already devastated Eastern
Europe; Innocent’s access to money would be critical for effectively fighting the
Turks. However, the treasury was empty and other methods of raising money
had been exhausted. The most obvious way to gain the funding to help solve
these problems was to end the practice of previous popes, who gave millions of
scudi to their relatives, and reduce expenditures promised in the past.6 The
sixteenth-century Church had previously attempted to slow the hemorrhaging of
funds leaving the Church because of the practice of nepotism. One such attempt
was the calling of the Council of Trent, which was intended to address this

problem complained about by the Protestants and other problems caused by the nascent Protestant movement.

The Catholic Church had been unwilling to watch passively the absorption of large numbers of its faithful into the ranks of Protestantism. Rome responded to this challenge by calling the Council of Trent.\(^7\) Trent was supposed to set Catholic dogma and produce reforms. The Council of Trent produced two types of decrees. In the first, the fathers at Trent clearly stated the principal doctrines of the Catholic Church and in doing so they rejected many Protestant teachings. In the second, they approved various reform decrees, which were intended to eliminate serious abuses within the Church.\(^8\) However, even though reforms were proposed and dogma was formalized, after the Council the disease of abuses within the upper clergy still lingered and continued to corrupt the Catholic Church. The problems had not been solved.

In the seventeenth-century Catholic Church, position was power, and that power was converted to great wealth. Many Church offices were bought and sold and many sinecures (offices that require little or no responsibility) were created; to eliminate the money associated with many of the Church offices, in fact, would reform the Church. Nepotism was the greatest among the financial abuses. The

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\(^7\) Ibid., 2-3.

\(^8\) According to Herbert Jedin, nearly all the recommendations made before and during the Council of Trent for amending the College of Cardinals were already contained in the reform literature of the fifteenth century. The remedies applied at Trent resembled cures attempted earlier because the diseases had remained the same. Hubert Jedin, "Catholic Reformation or Counter Reformation," in The Counter-Reformation, ed. David M. Luebke (Malden: Blackwell Publishers Inc., 1999), 37.
draining of money from different Church accounts stifled the ability of Innocent XI
to respond properly to the Protestant detractors and the invasions by the Islamic
forces that threatened Christendom. Although Innocent XI and de Luca would
bring about many reforms within the Church, the main issue, the power-money
dialectic, nepotism, was never resolved during either's lifetime. Pope Innocent XI,
a known reformer, was elected to change the direction of the Church. However,
the transformation of certain entrenched financial practices within the Church,
such as nepotism, was difficult to accomplish. So conciliar theory, Gallicanism,
and the entrenchment of bad financial practices were impediments that had to be
overcome in order to reform nepotism.

Innocent XI was elected to be a reformer and he chose de Luca to be his
reform advisor. In response to the pope’s wishes to eradicate the evils of
nepotism, in August of 1678, de Luca called together a special gathering of
prelates and others who were of tested rectitude and good doctrine, to hear their
opinions on the nepotistic system.⁹ Eventually, the unanimous judgment of those
notable persons was summarized in a fervent recommendation for the
elimination of the “controversial phenomenon.”¹⁰ Some of those who originally
approved of this reform later fought against it. Some of these Cardinals who
approved and later disapproved of the adoption of the bull on nepotism and their
reasons for these decisions are discussed in a later section of this dissertation.

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⁹ Agostino Lauro, Il Cardinale Giovan Battista De Luca - diritto e riforme nello stato della
¹⁰ Ibid., 466. note 19.
To understand the necessity to reform nepotism one must understand the scale of the problem.

The financial cost of nepotism in the seventeenth century comprised at least three types of expenses. The first were ecclesiastical pensions, which were given regularly in Rome and which constituted the most significant part of the incomes of Cardinal Nephews; the second were the ordinary and extraordinary worldly pensions, linked in the first case to offices and departments, in the second to profits and pensions of the monte (funded debts) and of the venal departments; the third were donations either directly paid by the popes, indirectly paid through the general treasury, or indirectly paid through the segreta (secret treasury).\textsuperscript{11}

Nepotism involved a staggering amount of money. When Innocent XI was unanimously elected pope in 1676,\textsuperscript{12} he commissioned a report that indicated that the camera had,\textsuperscript{13} during the pontificate of Clement VIII (1592-1605), given

\textsuperscript{11} Segreta – the secret treasury - Some expenditures were incurred for the renovation of the building and planning of Rome. A part of those costs were paid with the ecclesiastical pensions, in particular with most of those of Cardinals in Rome; a second part through other spiritual revenue, expenditures by the Popes through the secret treasury and datary; a third finally thanks to capital raised through the public debt. Enrico Stumpo, \textit{Il capitale finanziario a Roma fra cinque e seicento. Contributo alla storia della fiscalita pontificia in eta moderna (1550-1660)}, (Milan,1985), 271.

\textsuperscript{12} On September 21, 1676 Odescalchi received 20 votes and 42 accessi. This was considered unanimous by the Church protocol. Bruno Neveu, "L'espirit de reforme a Rome sous Innocent XI (1676-1689)," \textit{XVIIe siec'le} 50, no. 2 (1998): 203-4.

his family approximately thirty-million scudi. Innocent XI realized that this was just one of many instances in which the past popes had given their families huge sums of money. Historian Enrico Stumpo indicates that a policy followed by various Pontiffs towards their respective families was to secure rich ecclesiastical and secular pensions for all the immediate relatives. Innocent XI gathered data that are more precise on the payments that had been made directly by the camera to various relatives of the popes, without calculating ecclesiastical pensions, datary, or financial profits on the monte or the offices. Innocent XI’s data revealed the Pamphili received the most money with a total of 1.4 million scudi, followed by the Chigi with 900,000 scudi, and the Borghese with 260,000, excluding the Barberini. Other data are supplied by the papal historian von

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14 The following compares the amount of money given to the Cardinal Nephews to other jobs. The lowest social categories survived with twelve scudi of silver for the year, that represented the earning of a worker either or a washerwoman; a ship’s doctor of a papal galley earned 216 scudi the year; a barber or a caulkier sixty; a simple soldier forty-eight; a musician eighty-four; a cavalryman ninety six. With one scudo, to middle of half of the seventeenth century, one could acquired: 20 Kg of wheat, one liter of oil, three kg of mutton or four of lamb and five liter of wine white. Stumpo, Il Capitale finanziario a Roma fra cinque e seicento. Contributo alla storia della fiscalita pontificia in eta moderna (1550-1660): 38; The ordinary confessor of the Benedictine nuns of Field Marzio in Rome, received 150 scudi in a year, the lawyer received twenty-four, and the prosecutor sixteen. The nuns of the Benedictine monastery of Saint Ambrose in 1664 lived on about ninety scudi per capita year, Luigi Fioani, "Monache e monasteri Romani nell'eta del quietismo," Ricereche per la storia religiosa di Roma (1977): 83; while around 1650 the annual expenditure per capita in the orders masculine monasteries in Italy, fluctuated between eighty three and 134 Roman scudi. E. Boaga, La soppressione Innocenziana dei piccoli conventi in Italia (Roma,1971), 56.

15 Stumpo, Il capitale finanziario a Roma fra cinque e seicento: contributo alla storia della fiscalita pontificia in eta moderna (1570-1660), 273.

16 Datary - Has been called by ancient authors the Eye of the Pope. He directs the datarius and usually is a Cardinal. The datary became the papal pocketbook without accountability. William Humphrey, Urbs et Orbis: The Pope as Bishop and as Pontiff (London: Thomas Baker, 1899), 161.

Pastor: 200,000 scudi given to the Peretti; 150,000 to the Aldobrandini; 700,000 to the Borghese; and 210,000 to the Ludovisi. In 1631, for example, the amount given to Taddeo Barberini, Prince of Palestrina, General of the Pontifical militia, who fought in the War of Castro (1641-44), is estimated at 140,000 scudi.\(^{18}\)

During the pontificate of Clement X (1670-1676), the apostolic camera paid the papal relatives a sum of about 1.2 million scudi in various forms, and during the pontificate of Alexander VIII’s about 700,000 scudi.\(^{19}\)

The actual cost of nepotism was demonstrated in the profound changes in land ownership around Rome and in the fiefs in Lazio.\(^{20}\) In this case, the size of the expenditure is such that it cannot be justified as being a legitimate pension allocated to the Cardinal Nephews or other family members of the pontiff. The land investment of Camilla Peretti, sister of Sixtus V, amounted to the acquisition of ownership of real estate in excess of one million scudi over the course of ten years.\(^{21}\)

The popes would purchase estates with the funds from the public debt or from the state coffers because the costs were so high that they could not be paid in another way. An example of this was the Borghese family of Rome who while


\(^{18}\) Ibid.


\(^{20}\) This is the area that comprises the Papal States.

they had risked bankruptcy in 1590, became the richest landowners in Lazio in a generation and the holders of twenty-eight pontifical fiefs. Marc Antonio, the Borghese Cardinal Nephew, became a Venetian noble, Prince of Sulmona, Captain of a company of armor in Naples, Duke of Rignano, owner of palaces and villas in Campo Marzio, Pincio, Frascati, Mentana, Sulmona, Norma, Olevano, Monteporzio, and in 1637, he bought, thanks to his pensions, Palombara Sabina for 385,000 scudi.22

It would take too much space to list all of the purchases by the Papal Nephews.23 However, the amounts speak for themselves. This buying up of Lazio was carried out by the following families: the Colonna, the Orsini, the Cesi or the Caetani, the Aldobrandini, the Borghese, the Ludovisi, the Barberini, and the Chigi.24

One case that has been studied is that of Cardinal Nephew Ludovisi. Without papal help, he could never have accumulated the necessary capital to purchase his acquired property. These included the splendid Roman villa belonging to the Frascati and other palaces. It was not surprising, therefore, that a contemporary Venetian account of the transactions said that the camera collected 800,000 scudi from the monte and 1.2 million scudi from the trade of

22 Ibid.

23 Ludwig von Pastor’s, The History of the Popes, includes some financial information. Enrico Stumpo’s Il capitale finanziario a Roma fra cinque e seicento also furnishes information on these revenues sources.

24 Stumpo, Il capitale finanziario a Roma fra cinque e seicento: contributo alla storia della fiscalità pontificia in età moderna (1570-1660), 274, lists the following families and land purchases: Aldobrandini, 190,000 scudi; Borghese 1,394,000; Ludovisi 1,060,000; Barberini 1,382,000; Pamphili 400,000; and Chigi 931,000.
the ecclesiastical benefices: these funds were used for the benefit of the Ludovisi.  

To help pay for the cost of nepotism, it was likely that, in some years, the capital needed for the purchase of a building was obtained through private lending in the short term with the Genoese or Florentine bankers. It was equally likely that, to guarantee such loans, the Church insured the pensions of a certain number of offices, *monte*, or ecclesiastical benefices. The same observation applies to the donations made by the Pontiff -- sometimes made directly by the general treasury, sometimes through the *segreta*, the secret treasury, and sometimes through private bankers. In any case, it is certain that through the ecclesiastical pensions issued to the various Cardinal Nephews and other relatives of the Pontifical family, these families were paid, between 1570 and 1660, an average of 100,000 *scudi* annually. The average was lower during the years 1570-1590, but steadily grew in the period that followed. Cardinal Montalto received 100,000 *scudi* annually, for example, and Scipione Borghese received even more. Pensions and benefits were also given to brothers, nephews, aunts, uncles, and cousins.  

In these ninety years, the annual average funding consisted of at least nine million *scudi* guaranteed to various Cardinal Nephews. Another eight million *scudi* were paid to the families of the former Pontiffs through the *datary* (an

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25 Ibid., 273-4.  
26 Ibid., 275.
autonomous finance office available to the pope), either directly, through a series of constituent offices, or from donation of the Pontiff through the *Tesoreria Segreta* (secret treasury). If necessary, the popes could use the revenue of the *datary* itself or the speculation on the vacancy of the offices.

With a part of the capital of the *monte* and with donations from the direct general treasury, the popes were guaranteed at least ten million *scudi*, and in great part, they made use of the policy of land investment. At least another four million *scudi* were derived from speculation on the *monte* and on profits related to the return of the *vacabili*\(^27\) to the *camera*.

If the first impression is that four million *scudi* appears high, one should realize that Alexander VII, Chigi, gave his own family about four million *scudi* from Church funds; Alexander VII gave Olimpia Maidalchini Pamphili large amounts of money and at the death of Olimpia, she had accumulated two million *scudi* of gold. Another relative, Ludovico Ludovisi (Archbishop of Bologna and Cardinal Nephew of Gregory XV, 1621-23), in two and a half years, acquired at least 1.5 million *scudi*, according to his property purchases. The total of approximately thirty million silver *scudi* given must not astonish, firstly, because it is very near what was estimated by the *camera* -- but only on temporal revenue --

\(^{27}\) This term refers to purchased offices. All offices were *vacabili*, or transferable on payment of a fee to another person whom the *Datary* considered acceptable for the office. They should perhaps, in the case of offices which drew curial fees, be considered as a method of farming the fees drawn by curial officials. Peter Partner, "Papal Financial Policy in the Renaissance and Counter-Reformation," *Past and Present* 88 (1980): 21.
and, secondly, because in reality the figure was certainly higher.\textsuperscript{28}

Besides these expenditures on land and offices, other expenditures made by the Church at this time were the great palaces of this period, splendid urban villas and their surrounding gardens, churches, fountains, galleries, museums, and libraries. Money was also spent on pomp and lifestyle such as luxurious clothes, feasts, and hunts, and on essential equipment, such as crews, carriages, horses, servants, and courts.\textsuperscript{29} Additionally, Laurie Nussdorfer portrays the Catholic Church as creating an extraordinary proliferation of structures, institutions, and associations that profoundly modified the fabric of Rome’s religious society: money was spent freely on Roman city planning.\textsuperscript{30}

Other expenses burdened the Church; the War of Castro (1642-1644) incurred military expenses totaling over six million scudi. In an attempt to establish supremacy over northern Italy, Urban VIII began the War of Castro (1642–44) against Duke Odoardo I Farnese of Parma, whom he excommunicated in 1642. The war ended in the pope’s defeat and humiliation in March 1644. At the death of Pope Urban VIII (1623-44), the debt was nearly thirty million scudi. However, during the pontificate of Urban VIII’s successor, Innocent X (1644-55), the Apostolic Chamber had revenues totaling 2,509,558.32 scudi and expenditures of 2,223,476.78 scudi, creating a surplus of

\textsuperscript{28} Stumpo, Il capitale finanziario a Roma fra cinque e seicento: contributo alla storia della fiscalità pontificia in età moderna (1570-1660), 275.

\textsuperscript{29} Ibid., 276.

286,081.54 scudi, because of Innocent X’s thrift.\textsuperscript{31} This surplus soon vanished under Pope Alexander VII (1655-1667) and Clement X (1670-1676); they lived a more extravagant lifestyle and continued the practice of nepotism.

When Innocent XI became pope, the problems that needed to be addressed were monumental. The shortfall of revenue hampered the fight against the Turks in the East and the normal operation of the Church. Innocent XI, on accepting office, expressed hope that the war against the Turks would begin in earnest and that the Christian princes would unite in a grand alliance to wage a successful battle; the struggle would be a veritable crusade. His strategy depended on the formation of an alliance of Austria, Poland, France, Venice, and other nations. Innocent XI’s ultimate goal was to capture Constantinople and bring Christianity to all European territories. However, Innocent XI had to overcome two formidable obstacles: the position of Louis XIV (1643-1715) and the fractious and fragile nature of the Christian alliance.\textsuperscript{32} These difficulties could not be overcome. Therefore, on March 31, 1683, an alliance was formed by Innocent XI with Emperor Leopold I of Austria and John III Sobieske of Poland (1674-1696) that led to the relief of Venice in 1683. To push the Turkish threat


still further back, he formed the Holy League of the Empire (Poland, Venice, and Russia), triumphantly liberated Hungary (1686), and recovered Belgrade (1688).\footnote{Kelly, \textit{The Oxford Dictionary of Popes}: 279.} Innocent XI failed in his plan to defeat the Ottoman Empire; however, he did succeed in driving out the Turkish invaders from Western Europe.

Because of the financial crisis, Innocent XI saw the need to reduce the amount of money leaving the treasury going to institutions like the Papal Nephews. De Luca was asked by Innocent XI to have the anti-nepotism bull written and to assist the pope in convincing the Cardinals to accept the proposed prohibition on nepotism. As with any potential changes within the Church, some Cardinals opposed this reform measure. Those who had ambitions to be pope knew that this bull would limit the powers of future popes. Others thought this would reduce their revenue stream and that of their families. Still other Cardinals brought up the old issue of conciliar theory: can statements issued by the Council of Trent supersede the wishes of future popes? There were numerous other objections to the bull; however, the main issue underlying all these minor issues was the authority of the pope.\footnote{A detailed examination of the reasons for the Bull's failure will be discussed in Chapter 8 of this dissertation.}

The problems in the Church made Innocent XI want to look back to Trent’s authority for support for reforms. However, calling on the authority of Trent was fraught with problems. Innocent XI realized he needed to follow the Tridentine reforms on finance and follow through on the reforms that he promised prior to
his election. Most Cardinals originally agreed to start the process to prohibit nepotism; however, after giving more thought to the consequences, possibly to themselves and their families were they to become pope, they did not want to ban nepotism. These Cardinals objected to prohibiting nepotism using some of the same arguments that their predecessors had used, when previous popes had asked for opinions on nepotism. De Luca, using canon and civil law and bringing the opinions of the Church fathers to bear addressed the Cardinals’ specific concerns.

De Luca knew that the Council of Trent was successful in instilling certain reforms in the Church; these were directed more toward the body, or lower clergy, than toward the head, or the upper clergy. The enforcement of the Tridentine reforms was dependent on the moral quality of each pope and the circumstances in which he was elected. If a pope wanted to enrich his family, means could be found to accomplish this end. Thus, de Luca wanted to enforce reforms focusing on the upper clergy.

Because sections of the Tridentine decrees were included in the Proemeo of the nepotism bull, this brought conciliarists and conciliar theory into the discussion. Conciliar theory, the age-old argument of the supremacy of decisions of a Council with respect to a pope, rose again within the ranks of the Church. Because sections of the bull were taken from conciliar decisions from Trent, many Cardinals thought this would bind the pope to decisions of a council. In addressing the above-mentioned concerns, de Luca used his skills as an
attorney and mediator. The Church Councils of the early fifteenth century attempted to limit the power of the pope, thus making the pope averse to the calling of councils. The lack of councils took away a major format for reform. Fear of councils meant fear of using any part of the decree of the councils. Because conciliar theory was used as an argument to reject the nepotism bull, I examine the history of conciliar theory.

Innocent XI, with Giovanni Battista de Luca’s assistance, attempted to revive the enthusiasm for reform that existed immediately after Trent. New reforms would not be replicas of the attempted reforms of the second half of the sixteenth and the first half of the seventeenth century. Those reforms affected the lower clergy of the Church, those whose performance could easily be observed by the laity and princes, creating the outward picture of reform, but not the necessary inward change. To bring about true reform of the entire Church, Innocent XI knew he needed to begin with the Cardinals.

Although there were many causes of financial strain in the seventeenth century, the problem was easily personified in the Papal Nephews, relatives of the pope who frequently became Cardinals. Families of the pope always received incomes far exceeding the Tridentine suggestions for the families. That money was spent on land, palaces, and luxuries can be easily observed. However, the source of the money used to finance the relatives was difficult to ascertain; as is shown, revenues came from various sources. When the Church had money, the sources were more easily identified because they came from designated
accounts. When money was scarce, the pope had to be more resourceful to generate those revenues, and it is more difficult to trace those funds. These two scenarios are explored in this paper. Because of the abuse of papal finance and its dire consequences for the Church, I investigate the history of Church income and expenses. In addition to the financial problems of the Church, the French monarch proved to be an obstacle to Innocent XI’s reforming program. The Gallican Church fought not only Innocent XI’s reforms enacted at the Council of Trent. The conflict between the French and Innocent XI eventually led to a strained relationship between the pope and de Luca.

The Gallican Church and the French Monarchy were omnipresent in papal discussions before, during, and after the Council of Trent. Looking at the history of Gallicanism, its theory and its implementation, allows the reader to understand the pressures exerted by the French during the seventeenth century; the reforms at Trent were rejected by the French. The reasons for this and the response of the Catholic Church to their rejection are also be examined. The conflict between Innocent XI and the French, referred to as the Gallican Controversy, led to a heightening of tensions not only between the Catholic Church and the French but also between Innocent XI and de Luca. This conflict eventually would form the basis of Innocent XI’s rejecting de Luca as his primary advisor on reforms and the starting of the Catholic Church distancing itself from him.

By understanding the background of conditions within the Church involving the combative relationship between pope and Council, the struggle
between national churches and the universal church, the absolutism of the national monarchs as a model for the papacy, the financial problems of the Church, and the entrenchment of nepotism, one is able to understand the problems involved in attempting to broker a deal that would end nepotism. Although de Luca failed in his attempt to shepherd this bull through the proper channels of the Church, the work he did eventually led to a prohibition of nepotism under Innocent XII.

Terminology Used to Describe the Various Reformation Positions

Writing about the problems of the seventeenth-century Church and especially the abuses of Church finances and nepotism is an unpopular task. The Church has glorious periods that are more positive to study. This period, although it has bright spots, like the new proliferation of seminaries, also has aspects that are less uplifting. Nevertheless, this period is part of history of the Church. Because this is not a popular period with historians, there are few books written about this era. However, by writing about de Luca, this may spark interest in other historians to look at this time more favorably. Historians have written extensively on the medieval Church but not on the period following the Council of Trent. They have elected to highlight the reforms of the lower clergy, priests, and monks, but not to examine whether reforms extended to the upper clergy and pope. It is my contention that the Tridentine reforms were only carried out sporadically depending on which pope was in office, and only among the lower clergy, priests, and monks.
Large compilations, like the monumental volumes by Ludwig von Pastor,\textsuperscript{35} have, of course, covered this era. However, these are generally histories. Books and articles have elucidated the lives of only a few high profile Cardinals. Important figures in the Church, who for some reason have become \textit{persona non grata} within Church circles, Cardinal Giovanni Battista de Luca, being a prime example, are almost forgotten. Part of the purpose of this dissertation is to shine light on an upstanding reformer and great intellectual and jurist, Giovanni Battista de Luca, a figure on who a great deal more work could be done.

One of the major difficulties when writing about the seventeenth and eighteenth centuries is the confusion in terminology characterizing the era or eras. Old sources saw the period after Trent as the Counter-Reformation and believed the main activity of the Church was the reaction against the Protestant Reformation. However, this did not take into account all of the reforming efforts of the Church nor did it account for reform in the Church that took place before Trent. Therefore, another layer had to be added to the understanding of the Counter-Reformation. This other movement was called Catholic Reform and this occurred before, during and after the Catholic-Reformation and often centered on the efforts of important reforming individuals who may or may not have been capable of starting a general movement and moving the institutions of the Church forward. Cardinal Ximenes (1436-1517), Gasparo Contarini (1483-1542), Ignatius Loyola (1491-1556), and Francis Xavier (1506-1552), as well as thirteenth-

century reformers such as Dominic, serve as examples of early Catholic Church reformers. Both kinds of reformation were promoted in the sixteenth and seventeenth centuries, though entirely inconsistently. De Luca, like reforming individuals before him, was not capable at first of moving the Church forward, but later, the efforts he made paid off under Innocent XII.

In the following pages, I review the historiography of this period, centering interest on the great historians who formed the characterization of reform in the sixteenth and seventeenth centuries. Because this discussion has often taken place between Catholic and Protestant historians, I identify the religious affiliation of the historians. Modern historiography starts with Leopold von Ranke.

Leopold von Ranke (1795-1886), a Protestant historian, wrote multiple volumes on the lives of the popes. H. Outram Evennett (1901-1964), a Catholic historian, comments that for all of von Ranke's appreciation of the papal and Catholic achievement of the later sixteenth century, von Ranke saw the whole movement as essentially a reflexive-defensive action that would not have come into being at all but for the challenge of Protestantism. However, historians began to perceive that the concept of Counter-Reformation did not incorporate all of the phenomena. A Protestant historian who studied under von Ranke, Wilhelm Maurenbrecher (1832-1898), understood the Counter-Reformation

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process as being rooted in the Pre-Reformation and he recognized that this created new problems for historians. Catholic reform actually started much earlier than the Protestant reformation. 38 Catholic historian Herbert Jedín (1900-1908) added that Maurenbrecher used the term Catholic Reformation hesitantly. 39

Ludwig von Pastor (1854-1928), a Catholic historian, penned the most definitive books on the Catholic popes. 40 Von Pastor's thirty-six volume work, *The History of the Popes, From the Close of the Middle Ages* is monumental. Hubert Jedín believed that von Pastor firmly established the notion of a Catholic Reformation and that this was not von Pastor's original idea but he only finished what his teacher Johannes Janssen had begun. Janssen had popularized the idea of a Catholic spiritual and religious flowering in Germany before the Reformation, which in turn prepared the way for a broader conception of an internal Church renewal that had both preceded and run parallel to the Reformation. In his fourth volume, which treated the dealings of the two Medici popes, von Pastor expanded his position. The founding of the Oratory of Divine Love in Rome in 1517 proved to von Pastor that an internal movement of ecclesiastical renewal had arisen independently of the German schism. Though this renewal started early, it only took root in the reign of Pope Paul III (1534-49). Therefore, it could not be understood as a reaction to religious division. Von


39 Ibid., 31.

Pastor viewed the Catholic Reformation as a regeneration of Catholicism and restoration of institutions in areas that were endangered by or lost to Protestants. Von Pastor adopted the concept of Catholic Reformation as his own and replaced the term Counter-Reformation with it. He appended the subtitle of his works beginning with volume seven, “History of the Popes in the Era of Catholic Reformation and Restoration.” He saw the pontificate of Gregory VIII (1572-85) as a decisive turning point from Catholic Reformation to Restoration and counter-attack. The pontificate of Sixtus V (1585-90) and his successors down to Paul V (1601-1621) were characterized by both movements simultaneously, then dominated by Restoration, which reached a high point under Pope Gregory XV (1621-1623).

Hubert Jedin (1900-1980), a Catholic historian, is of special importance in this discussion for several reasons, but principally because, in 1946, he published *Katholische Reformation oder Gegenreformation?* (Catholic Reformation or Counter-Reformation?), an essay about the proper naming of this period from the Catholic position. According to Historian David M. Luebke, “Perhaps more than anyone else, Hubert Jedin changed the way scholars think about the reform of Catholicism in early modern Europe.” Jedin was known as a historian who returned to the primary sources. He was allowed almost complete access to the documents in the Vatican Library and other Catholic

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41 Jedin, "Catholic Reformation or Counter Reformation," 27-29.

documents to research his monumental work on the popes, a privilege not available to other historians, especially Protestant historian von Pastor. 43

Jedin published the essay “Katholische Reformation oder Gegenreformation?” while preparing for publication the first volume of his life’s work, a multi-volume history of the Council of Trent (1545-63). Until this article appeared in 1946, defining the “Counter-Reformation” conceptually was still largely a matter of engaging in ancient confessional polemics, where Protestant scholars typically described the sixteenth-century reforms of Roman Catholicism as little more than an “anti-movement,” a reaction of the Reformation that Luther had initiated. Jedin attempted to reconcile the two notions of the “Counter-Reformation” and the “Catholic-Reformation,” where the Council of Trent expressed their union. He describes the “Counter-Reformation” as a term used to describe the forcible re-conversion of a Protestant region to the Catholic observance. This re-conversion was a movement founded on an inner regeneration of the Church, and that the Council of Trent and the Jesuit Order were the decisive factors in it. 44 He saw “Catholic-Reformation” as an inward renewal of the papacy. For the popes, the reform decrees of the Council of Trent were a means to an end, and the Society of Jesus was certainly a powerful instrument in their hands. 45 Jedin argued, Church history needed the duality of these terms “in order to distinguish between two lines of historical development

43 O'Malley, Trent and All That, 51.
44 Ibid., 22-3.
45 Ibid., 43
that differ both in origin and essence: a spontaneous movement grounded in the continuities of spiritual life versus a dialectical process that emerged from a reaction against Protestantism. With respect to Catholic Reform, the religious division performed merely an activating function; with respect to Counter-reformation, it acted as a driving force.\textsuperscript{46} The Catholic Reform was the soul of a reviving church; its body was the Counter-Reformation.\textsuperscript{47}

H. O. Evennett (1901-1964), a Catholic historian, originally presented as the Birkbeck Lectures in Ecclesiastical History at Cambridge University in 1951 a discussion of the positions of various historians and theologians on this subject. Evennett presented two theses: that the Counter-Reformation was primarily a revival of religion, not a reaction to the Protestant Reformation; and that the methods used by the Counter-Reformation Church to revitalize itself, both spiritually and institutionally, showed a marked similarity to the general spirit and methods of the time. Evennett believes that the characterization of the Counter-Reformation as essentially reactionary and backward-looking has tended to obscure, and certainly to obstruct, any attempt to synthesize the many ways in which it was, in effect, the evolutionary adaptation of the Catholic religion and of the Catholic Church to new forces, like lay piety, both in the spiritual and in the material.\textsuperscript{48} Dermont Fenlon, a Catholic priest, believed that Evennett conveyed,

\textsuperscript{46} Ibid., 44-45
\textsuperscript{47} Ibid.
in the space of a few chapters, the importance of spirituality as an influence on human action. He highlighted the success of the Jesuits as the classical exemplars of a spirit at once flexible and disciplined -- a spirit that Evennett believed to be at the center of the Counter-Reformation.⁴⁹ Evennett added that the Jesuits had been called the maids-of-all-work of the Counter-Reformation.⁵⁰ Evennett’s position that the Counter-Reformation Church revitalized itself at Trent is an over optimistic statement of the occurrences that again emphasizes intentions over implementation and emphasizes dogmatic clarification over reform.

Historian A. G. Dickens (1910-2001) would use the term Catholic Reformation for the more spontaneous manifestation of the reforming process and Counter-Reformation for the development of an agenda of reconversion and re-conquest. He thought that the Counter-Reformation was far from being purely a movement directed against Protestantism.⁵¹ Dickens believed the Counter-Reformation to have terminated around the middle of the sixteenth century. The reform of the Catholic Church had its roots in the fifteenth century, with churchmen like Cardinal Ximenes (1436-1517), forerunner of Catholic reform.⁵² This solution of Dickens is close to the one generally accepted today.

Catholic historian, William J. O’Malley, (1931- ) informs us that Jedin’s

⁵¹ Dickens, *The Counter Reformation*: 7,182.
⁵² Ibid., 45.
essay of 1946 first reviewed the history of the two terms most current for designating Catholicism in the sixteenth and seventeenth centuries: "Catholic Reform/Reformation" and "Counter-Reformation." O'Malley then elaborated how Jedin understood the terms and their relationship to each other; he concluded by affirming that a combination of the two, "Catholic-Reform-and-Counter-Reformation," was the proper designation because this would satisfy the two major Catholic positions. According to O'Malley, Jedin also concluded with a resounding affirmation of the importance of the Council of Trent by proposing that the Council indicated a new, transitional period in Church history. Thus, he did at least implicitly justify another name, "the Tridentine era." 53

It was apparent that non-Catholic historians typically avoided the use of the concept of Catholic Reformation and replaced it with some other descriptor, such as the renewal of the Catholic Church. Catholics, by contrast, either did not use the concept of Counter-Reformation at all or employed it only with reservations. Catholic historians were concerned with explaining the sixteenth century renewal of the Catholic Church -- before, during, or after the Council of Trent -- as an expression of the profound vitality of Catholic piety. They, therefore, dispute the influence of religious schism on this process of renewal -- or at least minimize it. For them, the Catholic Reformation was the true Reformation. 54 Other historians have referred to this “reform” period in various

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54 Jedin, "Catholic Reformation or Counter Reformation," 21-22.
O’Malley explained that modern historical methods, first effectively codified by Leopold von Ranke (1795-1886), and originating in Protestant circles, were all used in ways that led to conclusions that made them offensive to Catholics sensibilities and Catholic authorities. Even the better historians writing in the Catholic tradition were therefore often engaged in a game of catch-up and refutation. Moreover, local, amateur, and apologetic authors, who were ignorant of the canons of modern historical methods, did much Catholic scholarship for

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this period. Protestants in Early Modern Europe knew their reform movement in this period as the Reformation, while Catholics were more confused about exactly what had gone on in their Church, variously calling their movement the Counter-Reformation, the Catholic Reformation, and sometimes the Tridentine Reformation. The sixteenth century was heir to ideas about the reform of the Church first articulated during the Investiture Controversy of the eleventh and twelfth centuries that centered on the disciplinary and moral reform of the episcopacy by means of a thoroughgoing implementation of the ancient canons, authentic and forged. Once formulated, these ideas took on a powerful life of their own, contributing greatly to the bitter controversy among lay and clerical leaders with the Church that marked the late Middle Ages. According to O’Malley, by a curious historical twist, in the fifteenth century these reform ideas were turned against the papacy, which had originally created them, so that reform of the Church sometimes meant primarily reform of the papacy and papal curia. From that reform would follow the reform of the rest of the episcopacy, from which would follow reform of the pastors of parishes and parochial ministry. O’Malley believed that the usual period considered for the Counter-Reformation was 1555-1648.


57 Ibid. 12-3.


59 ———, Trent and All That, 120.
Historian R. Po-Chia Hsia explained that the concept of the Counter-Reformation as essentially “reactionary” and backwards-looking tends to obscure and obstruct any attempt to synthesize the many ways in which it was, in effect, the evolutionary adaptation of the Catholic religion and of the Catholic Church to the new forces both in the spiritual and in the material order. One new spiritual force was lay piety, the seeking of a greater place in the Church for the laity and for everyday life. Both Protestants and Catholics had to encompass this new spiritual force. Po-Chia Hsia incorporates “the concepts of “Catholic Reform” and “Counter-Reformation” under the larger rubric of world history.”

Michael Mullett, a Catholic historian, in his 1999 book, focused more on the doctrine and institutions of the Church than on terminology. However, in his work, he indicates that for some historians, the term Counter-Reformation implies the view that there was a defensive and somewhat delayed reaction to Protestantism, without whose challenge the Catholic Church would hardly have revived itself out of its own depleted moral spiritual state. Mullett’s contrary position is that the early modern revival of Catholicism has its genius in a defensive reaction to Protestantism within the sixteenth century. Mullett argues that the renovation of the Catholic Church that gained momentum from the time of the Council of Trent (1545-63) represented an accelerated continuity of earlier reform trends in the number of realizations of earlier aspirations. He reveals that

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reform in this context refers to attempts to restore the Christian Church to its original state, ideally to that found in the early centuries after Christ. This was attempted before the outbreak of the Protestant Reformation in a series of councils in which the continuities of Catholic reform were established for Trent to take up and fulfill. For Mullett, Trent was the centerpiece of the Catholic Reform. Robert Bireley, a Jesuit historian, suggests that Mullett devoted little attention to the terminological issues; he does not distinguish the Catholic Reformation from the Counter-Reformation but calls all the periods of Catholic reform, the Catholic Reformation. R. Po-Chia Hsia argued that the strength of Mullett’s book lies in its extensive discussion of doctrine, liturgy, and the institutional history of the Catholic Church. After all this discussion, perhaps the common view that most historians have reached is one similar to that of Edward McNall Burns.

Edward McNall Burns, a Protestant historian, stated in his 1964 book that many historians disagree with what to call the era immediately before and after Trent. If there was a Catholic Reformation, what were its inclusive dates? For the sixteenth and seventeenth centuries to be understood, the terminology and inclusive dates of these periods need to be defined by historians and theologians. It is not always possible to separate the Protestant and Catholic

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62 Ibid., 2.
63 Ibid., 8.
The students of the sixteenth and seventeenth centuries should not be confused or unduly influenced by use of terms such as Reformation, Counter-Reformation, Protestant Revolution, Renaissance, and so forth. Most importantly, thinking of the Reformation as a revolt of righteous and God-fearing theologians and their pious followers against a corrupt and tyrannical Church whose decadence should no longer be tolerated, must be avoided. Burns opined that the foundations of this old society and their views of the Church were crumbling and men were largely the instruments of forces more powerful than they.

Burns contends that many historians now recognize the term Counter-Reformation as a misnomer. It implies that reform was limited to the period following the first stages of the Protestant Reformation, and that it was essentially a reaction against the Protestant outbreak. It gives little or no credit to the persistent efforts of pious Catholics to reform their own Church prior to and regardless of the incursion of Protestantism; actually, such reform movements long predated the Protestant Reformation.

Few historical topics enjoy solidarity and the term Counter-Reformation must rank with the least determinate. The historical study of religion in sixteenth and seventeenth century Europe remains the intellectual hostage of

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67 Ibid., 11.
68 Ibid., 12-3.
denominational competition between Catholics and Protestants, the latter used Counter-Reformation to imply that the Catholic reforms had been nothing more than the involuntary reflex of a passive and indolent Roman Church. However, Catholic historians prefer terms that emphasized the historical continuities with late medieval reform movements and spiritual revivals -- labels such as Catholic Reform or Catholic Reformation.\textsuperscript{69}

The Discussion of the Dates of the Various Reformation Positions

When the Catholic Reformation started and how long it lasted is equally contested; historians have proposed various start and end dates.\textsuperscript{70} The thesis that historian Elisabeth Gleason gave in 1995 fairly summarizes this topic. According to Gleason the Counter-Reformation, once the almost exclusive preserve of Catholic scholars, has assumed a different physiognomy in studies published during the last ten or fifteen years. Older schemes divided the sixteenth-century Catholic Church history into two distinct periods, the pre- and post-Tridentine, with the Council as the watershed between them. Adopting this division, it was easy to define the Counter-Reformation in a straightforward fashion chronologically as following the Council of Trent, and structurally as the


great proactive movement aimed at not only stopping the tide of Protestantism, but also at reversing the patterns of Protestant gains and Catholic losses on the religious map of Western and Central Europe. Recent studies have introduced a number of changes and refinements into this older image of the Counter-Reformation. Continuities rather than discontinuities have been stressed, and the connections between ideas of reform during the first and second half of the sixteenth century have been established. New concepts have been introduced into the way scholars approach the Counter-Reformation and the kind of questions they pursue. Thus, the work presented here on papal finance should add a significant new dimension to the debate. When reflecting on the Catholic Reform/Counter-Reformation aspects of the debates, the papacy seems to have responded little to anti-clericalism aimed at the wealth of the Church or its parts. The atmosphere of absolute monarchy may have acted more directly on the papacy. The enormous ship of state that was the Church was turned slowly. As seems common in Catholic reforms, outstanding individuals took the initiative to stand up to long-standing practices and make lasting institutional changes.

Literature Review of Books Concerning de Luca

There are difficulties writing about the seventeenth century because of the dearth of material, the biases of religion, and the protection of ideology. Writing about the issues of reform in the Catholic Church in the seventeenth century is

challenging, despite the fact that Tridentine reforms should have been promoted in this period; no one has checked the progress of the reform of the upper clergy. Although historians like Mullett\textsuperscript{72} see real progress in the sixteenth century reforms, the continuation and further unfolding of the reform in the seventeenth century has been little examined. If the writer needs to parse words carefully to describe the reform period not to offend, is he also likely to do the same with facts that might also be detrimental? I think this is a reason why more is not written about this period in the life of the Catholic Church.

Another problem that exists when writing about the Catholic Church in the seventeenth century is a lack of detailed printed information on finance, the lives of influential persons, and identification and organization of unpublished manuscripts. Until a solid base of material is published on the seventeenth century, historical works on this period will be incomplete.

An example of a seventeenth-century Cardinal who fell into obscurity was Cardinal Giovanni Battista de Luca, much published jurist,\textsuperscript{73} who, after serving Pope Innocent XI in various capacities, fell into disfavor with the papacy after writing a decision on the Gallican controversy that was thought to be contrary to the view of the pope. After de Luca’s death, a few contemporary authors wrote short biographies, but an assessment of his major works had to wait for almost 300 years. More recently, de Luca has been considered more a legal scholar

\textsuperscript{72} Michael A. Mullett, \textit{The Catholic Reformation} (London: Routledge, 1999).

\textsuperscript{73} De Luca published over eighty-one books and manuscripts -- sixteen books in Latin, thirteen in books in Italian, and fifty-two identified manuscripts. See Appendix I.
than a Cardinal or Church leader -- he was both. Even biographers of Innocent XI treated de Luca as just another Cardinal. One of the earliest biographers of Innocent XI, Mattia Giuseppe Lippi, 1695, mentioned de Luca only once.\(^{74}\) One of the best-known historians to write on the popes, von Pastor,\(^ {75}\) mentioned de Luca three times; however, von Pastor never mentioned de Luca in conjunction with the issues of reform. Raymond J. Maras wrote a recent biography of Innocent XI and ignored most of the contributions of de Luca\(^ {76}\) -- even though de Luca was an extremely important Cardinal, with whom Innocent XI constantly consulted.

The 300\(^{th}\) anniversary of de Luca's death brought about a rebirth of interest in de Luca. Four major books written within the last thirty years have him as their primary focus and a fifth book refers to de Luca multiple times; only this last book has been translated into English.

Paolo Prodi's work, *The Papal Prince – One Body Two Souls: The Papal Monarchy in Early Modern Europe*\(^ {77}\) predates the four major books written about de Luca. Prodi used the materials available to him and considered de Luca a valuable source of information on the Church and seventeenth-century reform.

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\(^{77}\) Prodi, *The Papal Prince - One Body and Two Souls: The Papal Monarchy in Early Modern Europe*.
De Luca’s writings on the dichotomy of the temporal and spiritual aspects were used extensively by Prodi. Prodi’s well-respected book, which ends in the Early Modern Period, did rediscover de Luca and his writings on the Church and State and includes numerous references to his works. Prodi was emphatic that our concern for the Renaissance, Reformation, Counter-Reformation, and Council of Trent had produced a periodization that obscures the continuity of a more comprehensive arc of institutional development; furthermore, to contrast the papacy of the Renaissance with that of the Counter-Reformation misses a longer historical cycle that includes the Baroque.  

The first of the modern books focusing on de Luca, *Cultura Giuridica Del Seicento E Jus Publicum Ecclesiasticum Nell’ Opera Del Cardinal Giovanni Battista De Luca*, was written by Historian Andrea Zanotti in 1983 and examined the seventeenth-century legal culture within the works of de Luca. Zanotti surveyed many of his legal decisions -- one of the most interesting is the *Sistema Gallicano*. Zanotti included a section that examined de Luca’s attitude toward Gallicanism, *Regale*, and the authority of the French king. This attitude concerning the Gallican Church and its relationship with Innocent XI caused de Luca problems; he held a position that Innocent XI thought was in opposition to his. Zanotti furnished a copy of that manuscript, *Sistema Gallicano*, in his appendix and used that formerly unknown document to explain de Luca’s actual

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position on Gallicanism. He systematically argued for de Luca’s position and destroyed the disparagement that de Luca’s critics had showered on him after his death.

A second major book, *Giovan Battista De Luca E Gli Statuti Di Piombino*, (1985) written by Rodolfo Del Gratta, focused on de Luca’s legal dealings with the principalities of Piombino and Venuso; de Luca was the attorney for the Ludovisi family, who ruled both principalities. This book gives the reader an insight into de Luca’s life in Rome before he was elevated to the purple. As with all these books, the author included an adequate index and bibliography.  

Annamaria Santangelo wrote the third of the modern books about de Luca, “La Toga E La Porpora - Quattro Biografie de Giovan Battista De Luca,” in 1991. Santangelo’s work consists of a compilation of four contemporary biographies of de Luca, one of which was a previously unknown work written by the historian, Giovanni Antonio Thomati. Santangelo’s evaluation of the accuracy of the four major works and of other contemporary authors who wrote about de Luca is extremely useful. Santangelo highlights the fact that

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contemporary authors who had written shortly after de Luca’s death could be, and were, biased, some with a positive and some with a negative slant.\(^8^3\) Thus, the reader of these biographies should examine the data presented and treat any bias as opinion, not fact.

The book that is the most complete in addressing de Luca’s life, works, and beliefs, *Il Cardinale Giovan Battista De Luca - Diritto E Riforme Nello Stato Della Chiesa (1676-1683)*, was written by Historian Agostino Lauro in 1991.\(^8^4\) Lauro’s book focuses on the last seven years of de Luca’s life and the reform of the Church in which he participated. Lauro’s book is written in two parts. The first deals with the juridical experience and the culture of government. The second concerns laws and reforms with chapters on tribunals in the Papal States, the camera, the reform of privileges (*patentati*), and nepotism that is the focus of this dissertation. This work reveals that de Luca had a prime role in the planning and executing of the reforms of Innocent XI. The basis of the book is formed by research into unedited writings found in various libraries and archives, several works contemporary to de Luca, and other modern works written in the Italian language.\(^8^5\) In the appendix, Lauro included a list of books and manuscripts written by de Luca. Lauro lists fourteen books written in Latin, thirteen in Italian,

\(^8^3\) See the Introduction to Santangelo’s book. Santangelo, “La toga e la porpora - quattro biografie de Giovan Battista De Luca.”

\(^8^4\) Lauro, *Il Cardinale Giovan Battista De Luca - diritto e riforme nello stato della chiesa (1676-1683).*

There is a lack of scholarly books or articles on Church finances in the seventeenth century. Jean Delumeau and Wolfgang Reinhard wrote the two best of the extant books.\(^{87}\) Others have written on Church finances in earlier centuries.\(^{88}\) The dearth of information on finance in this time period perpetuates the lack of clear understanding of the seventeenth century.

Many books have been written about nepotism; however, they were written primarily about the medieval, Renaissance, or Reformation eras, few discuss nepotism in the seventeenth century. W. A. Fellow wrote a book on nepotism through the centuries, unfortunately, it is lacking sufficient information on the seventeenth century; he ended his book in 1667.\(^{89}\) Gregorio Leti and William Aglionby were contemporaries of de Luca.\(^{90}\) Leti and Aglionby expressed

\(^{86}\) A complete list of de Luca’s works can be found in the Appendix I.


\(^{90}\) Gregorio Leti and William Aglionby, Il niptismo di Roma, or, The History of the Popes Nephews from the Time of Sixtus IV, anno 1471, to the Death of the Late Pope Alexander VII,
their opinions from the Protestant viewpoint and against the Catholic Church.

Klaus Jaitner and Dagmar Penna-Miesel wrote an article on nepotism. An excellent book on medieval nepotism is by Sandro Carocci, *Il Nepotismo nel Medioevo*; however, this discusses twelfth-century nepotism in the Church. Antonio Menniti Ippolito’s book is about nepotism in the sixteenth and seventeenth century and is a good reference work. He includes a short glossary, chronological listings of popes, and a list of manuscripts and cited works. He only briefly mentions Cardinal de Luca and his influence on the decisions made. Philippe Levilllian and John W. O'Malley edited an encyclopedia article on nepotism and the Secretary of State of the Church. Other historians have also written on various aspects of nepotism.

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anno 1667 ed. W.A.Fellow (London: Printed for John Starkey, and are to be sold by Thomas Archer, 1673).


94 Levilllian, *Cardinal Nephew*.

An abundance of books and articles has been written on Church councils and conciliar theory, a topic de Luca had to deal with in his efforts to encourage the Cardinals to vote for reform of nepotism. Francis Oakley was the most published of the various historians, writing on conciliar theory and its founding. Other historian and theologians have written on the various Church councils, including the Council of Trent.  

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The reform of nepotism by the Catholic Church in the seventeenth century is a subject that historians have not explored in depth. One of the difficulties of dealing with this era is the lack of reference materials. Cardinal de Luca was especially difficult to write about because the Catholic Church ignored him after his death. His religious reforms were not written about often. While numerous articles have been written on his legal opinions, these articles were not very useful to me for this project because I am looking at de Luca as a reformer, not as a jurist. A couple biographies were written within ten years of his death and a couple in more recent times. All of his biographies were written in Italian. This paper is the first English language work on Cardinal de Luca and his reforms of the Church.

Finding primary source materials required visiting several archives. The Vatican Archive material proved to be very useful. Although the Vatican Archives in Rome were under renovation and not accessible during the writing of this dissertation, there were microfilm copies of most of the material at the Knights of Columbus Vatican Film Library at St. Louis University in St. Louis, Missouri. Other original sources were found in the State Archives in Vienna, Austria, and in the Archivio Segreto Vaticano in Rome, Italy. The numerous statues and

paintings of Innocent XI found in Budapest, Hungary, in the Hungarian State Arsenal reinforced the importance of Innocent XI to Hungary in defeating the Turkish threat.

De Luca offers the historian more than just his reforms, although his reform efforts were the focus of this dissertation. He wrote over fifty books and multiple manuscripts. Most of his works have been identified and cataloged. However, because the various archives have not been searched thoroughly, there may be unknown manuscripts or letters written by de Luca, yet to be found, that might shine a new light on this remarkable man. The experience that shaped de Luca’s life and influenced his opinions are worthy of study and are included in the next chapter.
CHAPTER 2
THE LIFE OF DE LUCA

To understand the true importance of Giovanni Battista de Luca’s life one must look at its entirety. Much as one examines a mosaic artwork, the viewer appreciates the finished product more than just individual mosaics of the work. The wholeness of De Luca’s life is where the beauty resides, not in its individual episodes. In the following pages, a foundation is laid using both the writings of historians who were de Luca’s contemporaries and modern day historians. De Luca did not write an autobiography; however, he included some of his experiences in his writings; reading these fills in some of the detail not furnished by others. These writings, by historians and de Luca, form the groundwork that assists the reader in understanding the process de Luca went through to reach the decisions he made about reforms and Gallicanism.

Part of the aim of this dissertation is to resuscitate the reputation of a very great churchman who lived during a period when the Church was undergoing great trials and tribulations. He stands in a long line of great reforming individuals who rectified the Church when it was going off course. De Luca was a great reformer who faced off against the opposition to Conciliarism, Gallicanism, absolutism, and the entrenchment of nepotism and other bad financial practices to lead the reform against nepotism. Studying de Luca’s life and work helps
explain the problems and obstacles pertaining to the reform of nepotism and the reasons a great reformer like de Luca could only lay the groundwork for the reform but not be ultimately successful in pushing through. Instead, it must be said that the long history of nepotism and creative financing required a man of de Luca’s greatness to successfully promote it. The arguments against the reform that were proposed by the Cardinals and appear in Chapter 8 show that attitudes toward the reform were slow in changing. But a general biography of de Luca is warranted because only a fraction of the work de Luca did for the Church pertains to the reform of nepotism; de Luca renowned for his work in canon law and feudal as well, for example. The Catholic Church was very involved in feudal law in its sixteenth- and seventeenth-century incarnation. De Luca was known as Il Doctore Volgare because of his works that put canon law in the simplest of terms, undoubtedly, a great feat. He wanted to make canon law understandable to the litigants themselves, a noble venture. Much more work could be done on de Luca as a pioneering jurist, and more of the work that has appeared on de Luca as jurist has appeared before an English audience. This brings up the third reason to present a general biography of de Luca. De Luca has disappeared from history because he was perceived to not have support Innocent XI’s efforts to roll back Gallicanism, that is, take back the privileges and immunities that the Catholic Church had extended to the French Church in the past. It appears that, because de Luca was a feudal lawyer, and many of these extended privileges and immunities were protected by feudal law, he was unable to approve the
taking back of these of the privileges and immunities. Because of de Luca’s stance, he seems to have suffered a major diminution of status and favor in the eyes of the pope. De Luca died shortly after this disagreement so he never had time to regain his lost status and favor. Therefore, he has been somewhat lost to the Catholic history. However, de Luca’s stance on Gallicanism displays the same uprightness and honesty that made him a great man in the nepotism reform controversy. Therefore, a more general biography is necessary to demonstrate his deserved place in history and his upright character.

De Luca was an important Cardinal in the life of the Church; his passion for Church reforms and service to the Catholic Church has never been fully appreciated. Unfortunately, theologians and historians have not seen the entire body of de Luca’s work and in fairness to him, rumors and petty jealousies have poisoned de Luca’s historical persona. This Cardinal, successful feudal lawyer, papal advisor, and canonist should have been treated with the respect due to a man of such importance.

Giovanni Battista de Luca was born of humble and devout parentage in Venosa, Basilicata, in 1614. His parents were not noble but were well to do; his uncle was a well-known physician.\(^1\) De Luca’s parents gave Giovanni, along with his sisters, a Christian education. His sisters, Victoria and Caterina, entered the

monastery of Saint Maria of Venosa, in the Scala de Venosa.² De Luca’s parents wanted him also to serve God in a monastery; he, however, had other ambitions.

De Luca opposed childish amusements and applied himself to his lessons. His studies maintained him during the illness and death of his father, Antonio; de Luca’s father was but age twenty-eight.³ Possibly in 1628 or 1629, his relatives and teachers recognized his talent and sent him to Salerno, where he studied humanities under Salimbene da Siena and then to Naples where de Luca began his study of law under the care of the Salerno Cathedral.⁴

In 1634, events compelled the young de Luca to leave Naples and return to Venosa; he was stricken with a serious illness⁵ after he had just graduated with his J.U.D. (Juris Utriusque Doctor) and Mount Vesuvius erupted.⁶ He returned to Venosa with the reputation of a cultured man, loving uprightness and justice. The Diocese of Venosa elected the twenty-year-old de Luca Vicario


³ Messina, "Il Cardinale Giovanni Battista De Luca," 57. De Luca mother’s name, Angela Giacullo, was found in a census of Venosa in 1641.

⁴ Cardella, Memorie storiche de’ cardinali della santa Romana chiesa. Santangelo, "La Toga E la porpora - quattro biografie de Giovan Battista De Luca."; Thomati, "Vita di Giovan Battista De Luca."; Cardella, memorie storiche de’ cardinali della santa romana chiesa, 253-255. On May 15, 1428, Queen Giovanna II had instituted the Collegio dei Dottori, in “dell’una e dell’altra legge.” This college came to be considered the most famous for Christians. The names of the first graduates gained numerous honors which increased in time. Messina, "Il Cardinale Giovanni Battista De Luca," 56.

⁷ Messina, "Il Cardinale Giovanni Battista De Luca," 58.

Capitolare on November 12, 1634; the death of the incumbent, Marchian Andrea Perbenedetto, had necessitated the filling of this position. De Luca temporarily held that office until the permanent appointment of Bishop Bartolomeo Frigerio in September 1635.

Eventually, de Luca returned to Naples where he studied civil law under the Portuguese Professor Ferdinando Arias de Mesa and learned how the church councils functioned, by studying Praxium in Sacro Consilio (practice of religious councils) until the beginning of 1639. At that time, an illness compelled him again to return to his native Venosa where another Episcopal chair became vacant at the death of Gaspare Conturia. De Luca again assumed the position of Vicario Capitolare for approximately eighteen months. He then continued his study and practice of feudal law in Naples.

De Luca left Venosa to go to Naples because he wanted to champion the people of Naples, who were being oppressed with taxation. He arrived in Naples at a time when the people were in full rebellion because of the scarcity of grain and because of the heavy taxes imposed by Spain to fund the defense from the French assaults. He did not remain long in Naples because his position became untenable because of civil instability, and in 1645, he relocated to Rome.

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He left already being known for his extensive knowledge in the civil, feudal, and canonical jurisprudence and in the good conduct of the business of the court.\footnote{Messina, "Il Cardinale Giovanni Battista De Luca.", 61.}


The king of Spain named de Luca his lawyer in order to defend his interests before the Roman Curia. The King of Naples, Queen Christina of Sweden, the Sovereigns of Luxemburg, and many other eminent people asked for his advice and support; even Pope Innocent X (Pamphili, 1644-1655) and Alexander VII (Chigi, 1655-1667) sought his counsel.\footnote{Messina, "Il Cardinale Giovanni Battista De Luca.", 58, 61; Mazzacane, "Giovanni Battista De Luca", 340-347.}

De Luca also served as the attorney for the Ludovisi family\footnote{Gratta offers more information on their relationship. Gratta, Giovan Battista De Luca e gli Statuti Di Piombino, 10ff.} and was friends with Cardinal Benedetto Pamphili. The trend at that time was to periodically vacation away from Rome; de Luca regularly retreated to Castel Gandolfo in Frascati,\footnote{Frascati is a town in the province of Rome in the Latium region of central Italy. It is located twenty kilometers Southeast of Rome, on the Alban Hills close to the ancient city of Tusculum. Pastor, The History of the Popes, n 2, 3.} the house of Cardinal Ottoboni, where he met many influential individuals. The pontiffs visited in the summer, and at times in the
spring and autumn, and brought with them many important families. Memories of these vacations appear in some of the books written by de Luca in Italian tongue, such as *Il Cavaliere e la Dama*.\(^{15}\)

In a history contemporary to de Luca, Thomati informs us that while de Luca was in Naples, he consulted with the Prince Niccolò Ludovisi and once in Rome, he entered his service as *auditore*. By September 1658, he became the King of Spain’s lawyer in Rome. De Luca then added to his responsibilities by becoming one of the primary advocates for the Ludovisi family. Using his friendship with the house of Ludovisi (Ludovisi was the main champion of de Luca and Ludovisi encouraged de Luca to enter into the circles of the papal court), de Luca met and became friends with the celebrated doctor, Angelo Andosilla, a judge and the legal secretary to Pope Innocent X. Andosilla supported de Luca while he was in Rome. Many of de Luca’s friends suggested that he continue his curial residence and treat the reformer Monsignor Innigo Caraccioli, a Cardinal (1666-1685) and archbishop from Naples with the highest respect.\(^{16}\)

During de Luca’s time in Rome, the social life revolved around Christina of Sweden (the Queen of Sweden), who had converted to Catholicism and fled to


Rome to continue her conversion process.\textsuperscript{17} She was a friend of Pope Alexander VII (1655-1667) and of numerous Cardinals who encouraged her to continue her conversion to Catholicism. Christina and the \textit{Squadrone Volante} (Flying Squadron, the political party she led in Rome) exerted influence on the decisions of the elections of popes. An example of the influence of the \textit{Squadrone Volante} can be demonstrated in the election of Alexander VII.

The papacy was affected by a political crisis in the mid-seventeenth century. Its resolution was marked by the emergence of the \textit{Squadrone Volante}, who influenced the conclave of 1655. The election of Fabio Chigi as Pope Alexander VII, also introduced a new direction in papal government. According to Sforza Pallavicino, who has given us the classic account of the genesis of the \textit{Squadrone Volante} in his biography of Alexander VII, the faction originated as a loose coalition whose aim was simply that of electing the most worthy candidate to the papal throne. The \textit{Squadrone Volante} became the first politically defined party in the seventeenth-century College of Cardinals.\textsuperscript{18} The various opinions expressed by the Squadron’s members relating to Innocent XI’s Bull on prohibiting nepotism would eventually divide the Squadron. Christina favored the reform of nepotism, while other members of the group opposed its reform. A more detailed discussion of the positions of Queen Christina and other members


\textsuperscript{18} Marie-Louise Roden, ”Cardinal Decio Azzolino and the Problem of Papal Nepotism,” \textit{Archivum historiae pontificiae} 34 (1996), 133.
of the Squadrone is discussed later in this dissertation.

While residing in Rome, De Luca dedicated many hours to study, withdrawing to his room where he lived frugally in both food and vesture. During the plague of 1656, he locked himself in a room in the highest part of the building, escaping its ravages. Here he began to compose his *Theatrum*.19

Giovanni Battista de Luca called himself the lawyer to Rome according to Historian Annamaria Santangelo. Well known within and outside the courts, de Luca was someone who possessed both fairness and integrity as shown in his legal decisions. He exercised great power in the Roman Curia and composed books concerning legal doctrines, such as the *Theatrum Veritatis et Justitiae* (Theater of Truth and Justice), a work that still stands today as an Italian legal reference with over twenty-five hundred legal opinions analyzed. *Dottor Vulgare* (Common Doctor) is another work placed next to the *Theatrum* in importance. *Dottor Vulgare*, written in the Italian, is known for a more systematic and compact explanation of the doctrines and the inner order of the *Theatrum*.20

Whether in the *Theatrum* or in the *Dottor Vulgare*, de Luca showed that he possessed a great confidence and a thorough knowledge that allowed him to resolve problems among people. He contributed greatly to the evolution of the Italian language through his *Dottore Vulgare*, the first encyclopedic work of legal

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19 Santangelo, "La toga e la porpora - quattro biografie de Giovan Battista De Luca."

doctrines, civil, canon, and feudal, in which the Italian language took the place of Latin. The choice of dealing with the legal doctrines in the “vulgar” language rather than in the usual Latin certainly was a passion for de Luca. He desired that there should be clarity and justice in the law that he thought would appear if a better communication existed between those who wrote and those who were subject to the law.  

Before Innocent XI chose De Luca to be the primary reform agent of the Church and eventually elevate him to the Cardinalate, Innocent XI ascertained that he was appointing a man of experience and character. De Luca was a lawyer and a jurist during the pontificates of Innocent X, Clement IX, Clement X, and Innocent XI. During the pontificate of Pope Innocent XI, he held various positions in the Vatican. Some of these offices were Referendary Utissque Signaturae (offices entrusted with all arrangements for papal decisions preparatory for the papal signature), Particolare Consigliere (offices of

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particular counselor),\textsuperscript{24} Auditore (offices of the Roman Curia, the duty of which is to hear and examine the causes submitted to the pope), and Secretary of Memorials.\textsuperscript{25} De Luca was ordained at an advanced age. The Church elected him Cardinal priest in the consistory on September 1, 1681; he received the red hat and the title of \textit{S. Girolamo degli Croati (degli Schiavoni)} on September 22, 1681.\textsuperscript{26}

Before being elevated to the Cardinalate, Innocent XI asked de Luca to help reform the Church. One of the reforms he had in mind was the reform of nepotism. The pope knew that this practice was draining the finances of the Church. De Luca sought to gain approval by the Cardinals for the acceptance of the prohibition against nepotism. He attempted to enforce what the Council of Trent had enjoined but he encountered human weakness and obstinacy that prevented fulfillment of the vision of Trent. Most of the Cardinals were against ending nepotism arguing that nepotism was not the problem but that the abuse of nepotism was the problem.\textsuperscript{27} Nepotism was but one of the many reforms and

\textsuperscript{24} Zanotti, \textit{Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera del Cardinal Giovanni Battista De Luca}, 6.


\textsuperscript{26} Cardella, \textit{Memorie storiche de' cardinali della santa romana chiesa}. No further information can be found for the exact date of his ordination.

duties with which de Luca was entrusted.\textsuperscript{28} As the advisor to Innocent XI, de Luca was asked to write on a dispute between the French Church and the papacy. This request eventually led to de Luca’s falling from the Church’s graces.

A few months after a quarrel with the Pontiff on the problem of the regale and the Gallican Church, Cardinal de Luca became seriously ill and on January 19, 1683, updated his will.\textsuperscript{29} The Cardinal died on February 5, 1683, around 1 a.m. at the Vatican Palace. His remains were on view in the Church of S. Maria in Vallicella, Rome; his funeral took place on February 8, 1683. He left to his friend Cardinal Benedetto Pamphili the mandate to bury him with pomp and a solemnity that gave a sense of dignity to his position as a Cardinal. In his will, he left his earthly belongings to the Church at Venosa and to the Saint Benedetto Convent where thirty nuns and boarders lived.\textsuperscript{30} His remains were in repose in the Church of S. Spirito dei Napoletani, in via Giulia, Rome.\textsuperscript{31}

De Luca had dedicated his life to the Church. He had aided Innocent XI in stabilizing the Church’s finances, on the economy, and he acted as the primary agent in the attempt to curb the practice of nepotism. He also advised the Church in matters of feudal law and because of this, he was asked to offer his opinion on the Gallican Church.

\textsuperscript{28} Other reforms are discussed in other sections of this paper and are listed in the Appendix VII.

\textsuperscript{29} Zanotti, \textit{Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera Del Cardinal Giovanni Battista De Luca}, 6.

\textsuperscript{30} Ibid.

\textsuperscript{31} Cardella, \textit{Memorie storiche de’ cardinali della santa romana chiesa}. 
De Luca filled his life with service to the people and to the Church. From an early age, de Luca had dedicated himself to the Church and to the people of Italy. Known during his life for his charity and after his death for his bequests, he left to the people of Rome the Opera del Monte del Grano, a grand mausoleum that was one of the three oldest and grandest in Rome. He was a practical man and deeply sensitive to the needs of the humble and the poor. During natural disasters, he made sure that the people had food and helped to fund public works projects.32

During the raging pestilence of 1656 that caused hundreds of thousands of deaths, de Luca, who had escaped its ravages, personally lavished most of his riches for the care of the people to help them survive and begin life again. It was in those terrible days that he decided to become a priest.33

De Luca demonstrated his love for his Church and for the people by attempting to simplify the difficulties of the legal system. He wrote on multiple subjects and when possible he wrote in the language of the Italian people. As a prolific writer, de Luca penned fourteen works in Latin, thirteen in Italian, and fifty-two manuscripts.34 Most of his colleagues knew him as a lawyer, but he wrote also on economic and fiscal questions in his two treatises: Theatrum Veritatis et Justitiae, Romae, 1669; and Il Principe Cristiano Pratico, Roma, 1679.

33 Ibid., 63.
34 Appendix I lists de Luca written works. Manuscripts are de Luca's handwritten documents. The Twenty-seven others are published books written wither in Italian or Latin.
As the lawyer to Rome, de Luca saw his name celebrated within and outside the court because he had high professional morals, unwavering integrity, exemplary loyalty, and the ability to unite individuals. He was known later in life for the power he exercised in the Roman Curia. Historian Annamaria Santangelo informs us that de Luca, with his great mixture of feudal and canon law expertise, simplified the traditional laws of the doctors and the myriad of contemporary regulations, combining them into a new Italian law. From his origins in Naples, he became an expert in feudal matters, earning the title Doctor Neapolitanus, ergo Feudista.

As an economist, he was a "mercantilist" of the very narrowest kind. International commerce, in his opinion, was only a means of getting money from foreigners; raw materials were allowed to be imported, but their export was to be prohibited, because only when they are transformed by national industry will they procure a favorable balance of commerce. The prince is not to misuse money. Its export, and the export of bullion, is to be prohibited, except to acquire those goods that cannot be produced by the country. A system of regulations is to guard against famines.

De Luca understood the importance of protecting the local agriculture production. He pointed out that in normal times the state should support agriculture and prohibit the importation of foreign produce. However, in case of

36 Ibid., 16.
37 Ibid., 26.
famine, all are to sell their produce to a public office (Ufficio annonario, a store for corn and other grains under government administration from whence it would be distributed in time of need) and de Luca would then allow, if necessary, the import of food. De Luca showed himself to have been non-traditional to a great many of his contemporaries, who had already seen through the grossest errors of the mercantile system. Mercantilism described the system of political economy that sought to enrich the country by restraining imports and encouraging exports.

In financial questions, de Luca took a majority position. He had a clear idea of the historical relativity of institutions, so that when he discussed the question whether direct taxes are to be imposed with the consent of governments, he insisted upon this being decided differently in every nation and with due regard to the varied customs and political maturity of these nations.

De Luca considered that taxes ought to be levied in such a manner that people pay them indifferently: that tax collectors cannot exact more than the government receives; that all citizens, without privilege and exemption, come to bear a proportionately equal burden; and that no tax be imposed when not absolutely necessary for the existence of the state. De Luca distinguished the revenue from the private property of the sovereign and made a most minute examination of all the different descriptions of crown rights. He defended the state monopoly of salt and tobacco because he believed these belonged to the
state and it could control their use.\textsuperscript{38}

Despite his dedication to his Church and his efforts to reform the practices of the Church, in the last few months of his life de Luca fell into disgrace. Church fathers believed that de Luca refused to write about Gallicanism;\textsuperscript{39} they wanted him to write against Gallicanism and in particular against the works of Jacques-Benigne Bossuet, 1627-1704, (French Bishop and Theologian). However, de Luca’s critics were incorrect; he wrote on the Gallican issue, just not the criticism they hoped he would write. Historian Andrea Zanotti discovered a manuscript written by de Luca in the Vatican Archives, titled "the Scriptures."\textsuperscript{40} This manuscript showed that de Luca refused to submit to temporal power of the French King, and he was not about to abdicate his own ideas and personal motivations before the theocracy of the curia. De Luca arrived to that which

\begin{footnotes}
\item[39] Jacques-Benigne Bossuet (1627-1704) was the Bishop of Meaux. In the Gallican controversy, Louis XIV maintained that the French monarch could limit papal authority, in collecting the revenues of vacant sees, and in certain other matters, while the ultramontanists held that the pope was supreme. An extraordinary general assembly of the French clergy was held to consider this question in 1681–82. There drew up articles that represented the entire Gallican Church. The Four Articles with all their wordiness may be said to embody two principles: that the temporal power is completely independent of the spiritual and that the power of the pope is subject to that of the council and the judgment of the Church. In Alfred Barry, "Bossuet and the Gallican Declaration of 1682," \textit{The Catholic Historical Review} 15, no. 2 (1929), 148-49.
\item[40] Andrea Zanotti found an unfinished manuscript in the Vatican Library that de Luca wrote on Gallicanism. According to Zanotti, the misunderstanding, we could say the legend, of a supposed support by De Luca of Gallicanism has been born to effect of an episode of the life of De Luca, on which, well within reason his rare biographers have touched. This article is a whole exhibition on the issue of \textit{Regalia}, and it is part of the most delicate phase of the story of \textit{Regalia} in France. The rediscovery of this, "the Scriptures," allows us to reconstruct with accuracy and in an analytical presentation the position of de Luca on particular themes in \textit{Regalia}. De Luca’s position on Gallicanism will be examined in another chapter of this dissertation. Zanotti, \textit{Cultura giuridica del seicento e jus publicum ecclesiasticum nell’ opera del Cardinal Giovanni Battista De Luca}, 124.
\end{footnotes}
seems his apotheosis: the affection and esteem of Pope Innocent XI who elected him, his passive and particular adviser in the Roman court.

A few months after the misunderstanding with the pontiff concerning the independence of the Gallican Church, Cardinal de Luca became seriously ill and on January 19, 1683 established his testament, naming the Church as heir, with the alternative, the people of the city. Forgetting about the great amount of good accomplished by de Luca, remembering only the Gallican controversy, historians and theologians do not treat him well in the annals of history. Only recently, while commemorating the 300th anniversary of his death have historians started to rethink his accomplishments and legacy. The study of the life and works of de Luca are now experiencing a mild resurgence; however, for a man of such importance, de Luca still sits in the darkness of prejudice and misjudgment. De Luca should take his rightful place as one of the most important post-Tridentine Cardinals because of the steadfastness of his work for Church reforms.

When asked by Innocent XI to assist in the reform of the Church, de Luca looked to the decisions made by the Council of Trent as a basis for his concepts of reform. De Luca had written a summary (1669) on the decrees issued by this important council. Although he analyzed many of the decrees, he did not offer his opinion on the reform decree issued in the twenty-fifth, and last session of Trent.

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41 Ibid., 6.
42 Santangelo, "La toga e la porpora - quattro biografie de Giovan Battista De Luca," 15.
Chapter One.\footnote{Cardinalis de Luca. "Annotationibus practicis reformationem & forensia concernentibus." In Sacrosanctum oecumenicum concilium Tridentinum: Additis declarationibus cardinalium concilii interpretum, ex ultima recognitione Joannis Gallemart, et citationibus Joannis Sotealli theologi et Horatii Lucii Juris-Consulti, nec non remissionibus D. Augustini Barbosae, quibus recens accesserunt utilissimae additiones Balthasaris Andreae ... nunc demum utilissimis annotationibus practicis reformationem & forensia concernentibus D. Cardinalis De Luca illustratum., edited by Joannis Gallemart. Metternich: Coloniae Agrippinæ, 1754.} This was the decree that was used later as the Proemeo in Innocent XI’s anti-nepotism Bull of 1679. De Luca gives no reason why he did not write on this Tridentine-reform issue and no historian has postulated a reason. However, the familiarity with the decrees of the Tridentine Council, gained while writing this work, assisted de Luca in his reforms of the Church and in the attempt to convince the Cardinals to accept a ban on nepotism. Understanding conciliar theory, councils in general, and the reluctance of either a pope or Emperor to call a council, assists the reader in understanding how de Luca’s approaches these subjects.
CHAPTER 3
COUNCILS OF THE CHURCH

Conciliar Theory

When Innocent XI’s Cardinals rejected his bull prohibiting nepotism, they cited as one of their reasons the bull’s reliance on material from the Council of Trent. They did this because, for the Cardinals, the councils and their theoretical underpinnings, conciliarism, symbolized a different model of the Church that minimized the position of the pope and accented instead the participation of the Congregatio Fidelium, however this was defined. In this chapter, I discuss the late medieval councils of Constance and Basel, the Colloquies between the Catholic Church and the Protestants, the Post Reformation Council of Trent, and the popes after Trent who continued to promote papal monarchy in the structure of the Church. The late medieval Councils of Constance (1414-1418) and Basel (1431-1449) had to solve the schism in the Papacy and so had to claim the power to depose and appoint popes. These councils did legislate reform, but these reforms were not implemented because the councils were so consumed with contesting the papacy. After the Council of Basel, the popes reasserted their position in the Church by trading extensive liberties and privileges to the nation-states over their Churches in return for recognition of papal sovereignty and superiority over the Councils. No reforms came out of the Colloquies with the
Protestants. Discussion of reform was confined to the last two days of the eighteen-year long Council of Trent (1545-1563). Meanwhile the papacy was able to rebuild its monarchial power. The purpose of this chapter is two-fold: to show the reasons that the papacy was not reformed before the seventeenth century and to show the way in which the papacy was able to pull power back to itself after the debacles of the Babylonian Captivity and the Schism, which the Councils were organized to solve. The papacy was not reformed because the popes did their best to foil councils after Constance and Basel. Constance and Basel had tried to alter the very structure of the Church and to diminish the position of the pope. Therefore, all further councils were unwanted by the popes; the councils called for by Frequens were either enfeebled or suppressed completely until Trent, even if pressing issues needed to be handled. The Schism brought the position of the papacy to a low point from which the Council of Constance had to rescue it. The Council of Constance claimed ascendancy over the pope, claimed to be a better representative of the Congregatio Fidelium than the pope, and tried to establish a constitutional monarchy. Yet the pope was able to reassert papal power through decrees like Execrabilis of 1460 and to free himself from any constraints of the Councils. Councils were not even called to meet the Protestant challenge; instead, colloquies were organized with the Protestants that were doomed to failure by the lack of power given to the papal vicars and legates. No real council was called until Trent. Meaningful reform of the papacy had no venue in the sixteenth and seventeenth centuries even
though The Fifth Lateran Council (1512-17) did meet and only promulgated a small number of reforms. On the contrary, the political theory of the Papal Monarchy seemed to track the more absolutist political theory of other monarchies.

The Conciliar movement attempted to make Church councils, not popes, the supreme authority within the Church. Martin V (1417-1431) had originally accepted the decrees of the Council of Constance because the Council appointed him pope. However by the time of the Council of Basel, Martin V was dedicated to assuring the failure of any council and the returning of the papacy to unfettered monarchy; every pope after Martin V dedicated himself to the same goal.¹ Historian Hubert Jedin informs us that the doctrine that a council was superior to the pope, commonly described by the expression “conciliar theory,” was at one time traced back to Marsilius of Padua (d. 1342), a proponent of revolutionary theories of the sovereignty of the people, and to his follower William of Ockham (d. 1349). Ockham believed that just as the state is created by the will of the people and was built up from below, so is the Church.² Political theory and


² Hubert Jedin, *Ecumenical Councils of the Catholic Church*, trans. Ernest Graff (New York: Paulist Press, 1960), 84-5; Francis Oakley, *Council Over Pope?* (New York: Herder and Herder, 1969), 57. Oakley furnishes additional information on this early period in the formation of conciliar theory. Ullman states that the conciliar movement was thought of in the context of schism and under extraordinary circumstances that called for extraordinary measures. In the works of Conrad of Gelnhausen and Henry of Langenstein, therefore, it took the form of what has come to be known as the Conciliar theory. Indeed, Gelnhausen’s *Epistola Concordiae* (May 1380) has been described as “a turning point in the history of the Schism” precisely because it was “the first systematic exposition” of that theory. Jedin, *Ecumenical Councils of the Catholic Church*, 87-8.
political theorists supporting conciliarism abounded. Nicholas of Cusa held that the Council was higher than the pope because it was a more accurate reflection of the *Congregatio Fefelium*.\(^3\) The canonist Huguccio\(^4\) deemed that a pope ceased to be pope if he was a heretic, and heresy was extended in definition to include promoting prolonged schism.\(^5\) He also maintained that in certain circumstances, the pope might err personally, the Church never. The term Church must be understood as the universal church, the totality of the faithful. When the pope makes a decision in a matter concerning faith, he is bound by the advice of the bishops; if he seeks this advice in a council, which represents the Church, he cannot err according to Huguccio.\(^6\) A separation was recognized between office and person of the pope and the person, chosen by human agency, could be deposed, according to Laurentius and later by John of Paris (1255–1306).\(^7\) John of Paris held that because more than one pope existed no pope had universal allegiance, a quasi-vacancy existed and power flowed back to the members. Pierre D’Ailly (1350–1420), leader of the Council of Constance,


\(^4\) Huguccio was a master of the late twelfth century very well known to historians of canon law. He had remarkable powers of synthetic reasoning and had considerable influence on the next generation of canonists; one of these was Innocent III. Tierney, "Ockham, the Conciliar Theory, and the Canonists," 49.


believed that dissolution of the Council was heresy and the Council was superior to the pope. Francesco Zabarella (1360-1417) said the Pope must obey the Council in matters of faith, reform, and union. Decretists and Decretalists (canon lawyers) alike had always held that the pope could not exercise arbitrary power. He could not act against the spirit of the Scriptures or against the welfare of the Church.8

Constance and Basel did not lack for models of powerful councils that made important decisions for the Church. Throughout the history of the Church, councils were important in determining the structure and doctrines of the Church. Some of the councils left the popes with more power over affairs of the Church and others lost power to the pontiffs. The first eight councils of the Church were much more vital than popes in determining questions of doctrine and organization. As historian Philip Hughes points out, these councils were held in the East, while all the rest were held in the West. These general councils are frequent in some ages, and in others, the centuries go by without a single one. Thus, for the seventy years 382-451 there are three general councils, then one every hundred years down to 869. For 254 years there is not a single general council; then in 190 years there are seven, included the Lateran Councils (1123-1311). Another century goes by without a council, and in the next hundred years (1414-1512) three are summoned. The Council of Trent is called less than thirty years after the last three, and then 306 years go by until the twentieth council.

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8 Ibid., 90
meets in 1869, Vatican I; Vatican II then convenes in 1962.  

Armed with the body of political theory, the Council of Constance was able to convene, depose the three popes of the Schism, and appoint a new pope with recognition of the whole Church, a great achievement. The Council of Constance (1414-18), one of the most important councils of the Church, was called by Anti-Pope John XXIII (1400-15); he did so with extreme reluctance and only under pressure from Holy Roman Emperor-elect Sigismund (1433-37). The Council deposed all three popes, Benedict XIII, John XXIII, and Gregory XII, and appointed Martin V (1417-31), a strange choice if they were looking for reform since he was a Colonna, one of the families that traditionally dominated the Church. The Council was organized and voted upon in four nations (France, Italy, England, and Germany), until the Spanish Pope (Benedict XIII) was deposed, and then the Spanish nation joined as the fifth nation. If voting had been by individual instead of by nation, the Italians would have dominated the Council. The organization of the Council into nations shows that it was recognized that the churches of different nations all had different problems. These churches were already emerging as national churches with close affiliation to their monarch. If

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10 The Council of Constance successfully ended the Great Schism, establishing an accepted line of popes while condemning doctrinal errors attributed to John Wycliffe and John Huss. Its decrees, *Haec Sancta* and *Frequens*, were issued to safeguard the work of reunification and of reform. Thomas M. Izbicki, "Papist Reaction to the Council of Constance: Juan de Torquemada to the Present," *Church History* 55, no. 1 (1986), 7.

the conciliar movement had succeeded and councils ruled the Church or co-ruled with the pope, perhaps they could have held the Church together better as a federated union. Churches, like the Gallican Church and Anglican Church, might have been able to remain more closely affiliated with the universal church, had this federated structure been successful. Instead, after the councils, the popes gave away extensive privileges. An example of this can be seen when in 1438 King Charles VII had accepted a council decision of the supremacy of the ecumenical council’s authority over the pope allowing the emerging national churches to gain recognition. This agreement was called the Pragmatic Sanction of Bourges of 1438. Because of this agreement, the Church lost some of its international power.\textsuperscript{12}

Two victories for the conciliarists emerged from the Council of Constance. The decree \textit{Haec Sancta} was the first and declared that the Council of Constance (1414-18) derived its power directly from Christ and that its authority is superior even to that of the pope.\textsuperscript{13} The second was the decree \textit{Frequens}}\textsuperscript{14}


\textsuperscript{13} C. Warren Hollister, et. al., \textit{Medieval Europe - A Short Sourcebook}, 4th ed. (Boston: McGraw-Hill, Inc., 2002), 350; \textit{Haec Sancta} – The degree claimed for the church’s representative, that is, the general council, power which bound every pope in the matter of faith, schism, and reform – a power derived from Christ. Thomas M. Izbicki. “Papalist Reaction to the Council of Constance: Juan De Torquemada to the Present.” \textit{Church History} 55, no. 1 (1986), 8.

\textsuperscript{14} “A good way to till the field of the Lord is to hold general councils frequently, because by them the briers, thorns, and thistles of heresies, errors, and schisms are rooted out, abuses reformed, and the way of the Lord made more fruitful. But if general councils are not held, all these evils spread and flourish. We therefore decree by this perpetual edict that general councils shall be held as follows: The first one shall be held five years after the close of this council, the second one seven years after the close of the first, and forever thereafter one shall be held every ten years. One month before the close of each council, the pope, with the approval and consent
that mandated that councils meet at regular intervals to sit with the pope. The next council should meet in five years, the one after that in seven years, and the one after that in ten years.\textsuperscript{15} This established a kind of constitutional monarchy with council and pope. A council would automatically convoke if a schism occurred. Questions of reform were discussed by the Council of Constance although ultimately nothing was done. Moral questions that were discussed were simony (the sale of Church offices), clerical marriage, morals of the clergy, bad ecclesiastical judges, heresy, abuses of indulgences, canonical election of bishops, and benefices held by the laity. The Cardinals were required to counsel the pope and be in Rome instead of being merchants. The number of Cardinals in the College of Cardinals was limited. This was done because, during the schism, each schismatic pope had created a new College of Cardinals around himself. The pope was also forbidden from receiving the incomes from vacant bishoprics. Reforms were not implemented, however. The Councils directed their energy against Rome instead of against the mounting abuses that would become such an issue in the Reformation. The vogue of conciliar theory among the fathers of Constance may have made possible the restoration of unity to the

\footnotesize{of the council, shall fix the place for holding the next council." If the pope fails to name the place the council must do so. Judith M. Bennett and C. Warren Hollister, \textit{Medieval Europe}, Tenth ed. (Boston: McGraw-Hill, Inc., 2006), 351.}

\textsuperscript{15} Ibid.
Church. However, if Constance succeeded in ending the schism, it failed to achieve its related goal of reform in head and member.\footnote{Hubert Jedin. \textit{Ecumenical Councils of the Catholic Church}, 26.}

In 1423, a small council met to honor the requirements of \textit{Frequens} however, in 1431, to honor \textit{Frequens}, a larger council, the Council of Basel was called. Shortly after Martin V convened the council, he died. When the council opened, it did so under his successor Eugenius IV (1431-1447).\footnote{Oakey, \textit{Council over Pope?}, 52.} The “great matter” of the council was still the constitutional question of the relationship of pope to a general council. One might have assumed that this had been settled at Constance -- both by the theoretical pronouncements of the council and by the actions it had taken. However, the Council of Constance’s failure to achieve any thoroughgoing reform of the Church, and especially of the papal administration, the inability or unwillingness of Martin V to implement such reforms on his own authority, his ambivalence and that of his successor towards the conciliarists’ constitutional claims and the attitude of the Cardinals and popes of “business as usual” when it came to operating the central administrative machinery of the Church -- all of these factors helped sponsor among the ecclesiastics assembled at Basel a deep suspicion and fear of papal intentions. The suspicious activities of Martin V and his successors helped foster, in addition, a violent reaction against the papal claims to plenitude of power and against the centralized
mechanisms of papal administration as these had developed over the last two centuries and more.\(^{18}\)

Pope Eugenius IV precipitated the crisis. When the council opened on July 23, 1431, not a single bishop was present, and attendance remained very sparse up to the month of October. Because Martin V had reached an agreement with the Greeks to hold a council of reunion on Italian soil, Pope Eugenius IV was anxious not to prolong the life of what seemed already to be a moribund assembly. On December 18, therefore, he proceeded to dissolve the Council of Basel. However, Pope Eugene IV had underestimated the mood of the council fathers; he had also misjudged the priorities of Cardinal Cesarini (a papal legate and president of the Council of Basel from 1431 to 1438),\(^{19}\) the man Pope Eugenius IV had deputed as legate to preside over the council. In the wake of a crusade against the Hussites, which had met with a disastrous defeat of the crusade, Cesarini had committed Basel to vital negotiations with the moderate party of the victors. The papal bull of dissolution now threatened these negotiations. When it arrived, therefore, Cardinal Cesarini joined with the council fathers in refusing to obey Pope Eugene IV. Deadlock ensued, and, as support for the pope dwindled and as men of the stature of Cesarini and Nicholas of

\(^{18}\) Ibid., 52-3.

\(^{19}\) Gerald Christianson, "Cardinal Cesarini and Cusa's "Concordantis"," Church History 54, no. 1 (1985), 7.
Cusa\textsuperscript{20} rallied to its support, the council proceeded to reaffirm conciliar principles and to put them into practice.\textsuperscript{21}

The Council republished the Bull \textit{Haec Sancta}, in 1432, and in the years that followed the council devoted its energies not only to the struggle with the pope, but also to the negotiation of a Hussite settlement and to reform of the Church in “head and members.” It was the conclusion of an agreement with Hussites that finally brought the pope “to heel.” That settlement was greeted with great relief in Germany and Eastern Europe, enhancing the Council’s prestige and making the pope’s opposition to its activities indefensible. Pope Eugenius IV capitulated, in December 1433. In the Bull \textit{Dudem Sacrum}, he declared his earlier dissolution of the Council invalid and proclaimed that its conciliar activity was, and had been, legitimate all along. The following June, at its eighteenth general session, the Council of Basel, enthusiastic over its victory, solemnly reaffirmed \textit{Haec Sancta}.\textsuperscript{22}

It must have seemed at the time that the victory of the conciliarists was complete. However, their own conception of what constituted meaningful reform in the Church proved to be their undoing. If they managed to take one or two steps to promote reform of the lower clergy, and if they discussed a good many more, the bulk of their effort was directed, nevertheless, to reform of “head”

\textsuperscript{20} Nicholas of Cusa wrote \textit{Concordantia Catholica} a ‘most mature and harmonious’ of conciliar treaties. Ibid., 7

\textsuperscript{21} Oakley, \textit{Council Over Pope?}, 53-4.

\textsuperscript{22} Ibid., 54.
rather than of “members.” That reform was concerned mainly with the curtailing of papal financial resources and the limitation of papal administrative powers. Against such measures, Pope Eugene IV protested in vain. It was not until 1437 that he was able to impose his will, and then only because the Council by its actions had begun to forfeit the support of some of its most distinguished adherents. By that time the representatives of the lower clergy, the chapters and the universities, and the multitude of doctors, had long had an overwhelming ascendancy at Basel, while the bishops were withdrawing from a Council which, after creating a curia of its own, was deeply engaged in the business of allocating prebends, a property from which a stipend was derived. As a result, on September 18, 1437, Pope Eugene IV transferred the Council to Ferrara, which the Greeks had accepted as the site for the council of union. A significant minority of the council membership, including Cesarini, Nicholas of Cusa, and other luminaries, obeyed the decree.  

The majority remained at Basel where the Council went on to proclaim the superiority of council over pope to be an undeniable article of faith, to declare Pope Eugene IV deposed as a heretic, and to elect in his place Duke Amadeus of Savoy. Amadeus VIII took the title of Felix V (1440-1449), won support in Switzerland, Austria, and from several universities, and benefited from the declared neutrality of France and Germany.  

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23 Ibid., 54-5.  
24 Ibid., 55.
At the Council of Basel, the position of the conciliarist majority led to the disaffection of some of its own most eminent supporters, to the triumph of Pope Eugenius IV (1431-1447) and of the papalist party, and to the subsequent decline in the fortunes of conciliar theory. If that theory managed to survive the Fifth Lateran Council and the Council of Trent, and it did so most notably in France, where it lay at the heart of theological Gallicanism, it survived only as an ecclesiological tradition that came increasingly to be branded as heterodox.  

Concessions to conciliar theory have still to be regarded as questionable because that theory was a “dangerous and erroneous doctrine,” one that threatened “the rightful position” of the papacy and one that could not “fit into the hierarchical structure of the Church.” According to J.J.I. von Dollinger, by 1600 the great majority of Catholic theologians held the doctrine of papal infallibility, like Cardinal Bellarmine (Jesuit Theologian, 1542-1621). Bellarmine held that papal infallibility was capable of being defined as official Church teaching.  

Just before Martin Luther (1483-1546) came on the scene, the last major effort at reforming within the church, the Fifth Lateran Council (1512-1517), took place. It is generally looked upon as a rather weak council, even though it took

27 Ibid., 74.
positive steps toward reform, because we realize today how insignificant those steps were in comparison with the looming problems.\textsuperscript{30}

The Fifth Lateran Council opened on May 10, 1512; “however, it was hindered from the start by wars, by the interference of a general lack of interest of kings, and by a general lack of interest in the council.”\textsuperscript{31} The most important discussion concerned the Pragmatic Sanction of Bourges. In 1438, the King of France, Charles VII, had issued this edict, affirming that a general council was superior to the pope and denying the Roman Pontiff the right to nominate bishops in France. The French King Louis XI (1461-1483) had abolished this decree in 1461, but Louis XII (1498-1515) had attempted to reintroduce it. The Fifth Lateran Council clearly rejected the teaching contained in this edict; it thus made a strong statement concerning the primacy of the pope in the Church. The Fifth Lateran closed in March 1517.\textsuperscript{32}

The Fifth Lateran Council was the last general council to issue a decree or a decision on the relationship between the pope and a Council. Pius II’s (1458-1464) Bull \textit{Execrabilis} of 1460 and the commissioned report of Paul III’s (1534-1549) \textit{Consilium de emendanda ecclesia} (1537) were attempting to encourage the shift in Church structure from a council back to the pope.

Pope Pius II’s (1458-1464) Bull \textit{Execrabilis} of 1460 struck at the conciliar

\textsuperscript{30} John L. Murphy, \textit{The General Councils of the Church} (Milwaukee: The Bruce Publishing Company, 1960), 156.

\textsuperscript{31} Ibid.

\textsuperscript{32} Ibid., 158.
movement and labeled as "erroneous and detestable" one of the central ideas of
the conciliarists, the right of appeal from pope to a general council. Papal
biographer J.N.D. Kelly suggests that Pius II issued this bull because he could
not raise an army to fight the Turks. Pius II he was “convinced that the decline of
papal influence was due to the inflated prestige of councils, so he published this
Bull (Execrabilis: 18 Jan. 1460) condemning, in defiance of his earlier views, all
appeal from the Pope to future council.”33

A project for reform, the Consilium de emendanda ecclesia commissioned
by Paul III (1534-1549) in 1536, was redacted, in 1537, by a commission headed
by a reform Cardinal Gasparo Contarini. This document listed needed Church
reforms and became the basis of the administrative reforms of the twenty-fifth
session, the last of the Council of Trent. One such reform was to put an end to
accumulation of benefices and revenues on the part of a few influential Cardinals
and to eliminate the gap between the rich and the poor Cardinals.34 This issue
was not directly addressed at the Council of Trent but was an issue addressed by
de Luca when Innocent XI was attempting to prohibit nepotism.

Was there a defining moment when conciliar theory ceased being a
problem to the papacy? There are varying opinions among historians. Two
divergent opinions are now presented.

247-48.
34 Ibid., 261-62; Gigliola Fragnito. "Cardinal's Courts in Sixteenth-Century Rome." The
Historian James Biecher believed that the conciliar movement ended in the mid-fifteenth century and its failure was one of the tragedies in the history of western civilization. Having shown great promise as an instrument of ecclesiastical reform and having been credited with ending the Great Schism in 1417, the movement for all practical purposes reached an end with the signing of the Concordant of Vienna in 1448 that was to end dissension between the Church and the civil authorities. Biecher states “Pope Nicholas V (1447-55) agreed to the Concordant of Vienna by which the Empire recognized the restoration of papal authority. Nicholas V ruled as the undisputed head of the Church. His pontificate marked the end of medieval conciliarism and witnessed the resignation of the last antipope.”

Historian Paolo Prodi, however, traced the use of conciliarism into the mid-fifteenth century and wrote that all traces of conciliarism, were not eliminated by Pius II’s (1458-1464) Bull Execrabilis of 1460, which condemned every appeal to the council against papal decisions. Prodi continues, the growth of the power of the states rendered any plans for an ecclesiastical constitution obsolete. “The weakness of those plans is particularly obvious during the abortive Pisa-Milan Council the strength of conciliar theories already seemed to be reduced even before being crushed from above by the

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agreement put into effect through the reconciliation between Francis I and Leo X in 1516” (the pope gave the King the of France the right to choose all ninety-three bishops of France and all 510 abbots and priors).37

Even though the idea of conciliar theory had almost died within the Church with the Concordat of Vienna of 1448 and with the Bull Execrabilis of 1460, conciliar theory would resurface during the Pontificate of Innocent XI and was positioned as an obstacle to the prohibition of nepotism. The argument rose again, as to whether the council had authority over the pope. The best chance to settle this dispute finally was lost when the Council of Trent, 1545-1563, decided not to address this issue.

Councils attempted to limit papal power and to change the structure of the Church. The popes, who feared the power of the councils, attempted to undermine the councils while building papal power. After councils, some popes made individual agreements with the kings, agreements that were favorable to the kings, in order to acquire approval of papal supremacy. Conciliarists lost power in the later fifteenth and sixteenth centuries, however, conciliarism did not die. When necessary, some in the Church rekindled conciliarism when this theory served their needs. This can be seen during the pontificate of Innocent X and his battle over nepotism.

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The Council of Trent

Studies of the Catholic reforms in the sixteenth and seventeenth centuries should include a discussion of the Council of Trent (1545-1563). This was the last general council until Vatican I (1869). For this reason, Trent was the last and best vehicle to reform the Church in these two centuries. Although the Council of Trent addressed many issues and some reforms, the one particular reform concerning prohibiting the enriching of papal relatives was of particular importance. This reform decree, passed in the twenty-fifth and last session of Trent, was used in the Proemio of the anti-nepotism Bull of Innocent XI, thus invoking the opening of the conciliar theory debate anew.

The Council of Trent produced two types of decrees. In the first, the fathers at Trent clearly stated the principal doctrines of the Catholic Church; and in doing so, they rejected many Protestant teachings. In the second, they approved various reform decrees, which were intended to eliminate serious abuses within the Church.\(^3^8\) Pope Pius IV (1559-65) recognized that the Tridentine decrees could not be fully implemented without the assistance of lay authorities. For this reason, Pius IV called upon each of the various Catholic princes to receive and publish the decrees in their respective territories. Royal officials in France believed, however, that the reform decrees posed a major

\(^3^8\) Jedin believed that nearly all the recommendations made before and during the Council of Trent for amending the College of Cardinals were already contained in the reform literature of the fifteenth century. The remedies applied at Trent resembled cures attempted earlier because the diseases had remained the same. Hubert Jedin, "Catholic Reformation or Counter Reformation," in The Counter-Reformation, ed. David M. Luebke (Malden: Blackwell Publishers Inc., 1999), 37.
threat to the long-standing tradition of Gallicanism.39

The Catholic Church, to firm up its doctrine in response to issues raised by Martin Luther (1483-1546) and other reformers who had preceded and followed Luther, called the Council of Trent; each reform group had reform concerns that they wanted to be addressed by the Church. Luther initially wanted a council to be called; he wanted his theology to have a hearing in a setting outside the pope that had authority to make decisions; for that reason, Luther appealed for a lawful council in 1520. By doing this, Luther thought the council could decide differences in theology and address abuses perpetrated in the Church. While waiting for a council to address these religious differences, unfortunately, contentiousness increased and partisan tracts were set forth by one party and then by the other.40

An example of this increased contentiousness happened when Luther saw clearly that from Rome and from the pope, he could look for nothing but condemnation. Initially, Luther had spoken reverently, and probably disingenuously, of the good intentions and judgment of the pope; however, after the publication of a Bull in 1517, *Si summus rerum opifex*, by Pope Leo X (1513-1521), that asserted the pope’s authority over indulgences, Luther stopped being reverential toward Leo X. Luther rejected the bull.

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Leo X, in this Bull, *Si summus rerum opifex*, set forth that indulgences were valid and that he, as successor of Peter and the Vicar of Christ, had power to grant them both for the living and for the dead. This was the doctrine of the Church of Rome and whosoever would be in the communion of the Church ought to receive this doctrine. He entreated all men, under severe penalties, not to have any faith other than that of the Catholic faith.\(^{41}\) In 1520, Leo X published another Bull, *Exsurge Domine*, condemning the errors of Martin Luther. Luther also rejected this bull.

Luther, in 1518, indicated that he would not oppose the authority of the pope when the pope taught the truth, but Luther added that the pope was not exempt from the common condition of being subject to error and sin; Luther used the example of St. Peter, sharply reprehended by St. Paul. He knew no other help remained but to seek a council; all reason persuaded him that the pope ought to call a council.\(^{42}\)

Luther understood Catholicism as obedience of the faithful to papal and absolutist authority. He saw Catholic authority supported, on the one hand, by the all-embracing legal obligations of the canon law, and on the other hand, by the determination of scholastics to show new theological views as parallel with old heresies. Yet the Church used canonical authority to silence diverse views.\(^{43}\)

\(^{41}\) Ibid., 13.

\(^{42}\) Ibid.

A deep chasm was growing ever wider in the topography of the Christian faith and Luther hoped to have this break narrowed by a Church council.

Ten years passed before Luther saw his original call for a Church council to receive serious attention. He had since rejected the council because he saw that the rift between his views and Catholic’s views was ever widening. However, the idea of a Church council gained momentum more in secular circles than in ecclesiastical. The idea of a council, to help in solving the differences between two religious views, started slowly and progressed equally as slowly; it took an additional twenty-five years for a meaningful council to be called.

Why did it take almost thirty years for the Catholic Church to call a council? The popes were worried about the power of the council. The Councils of Constance and Basel were examples of councils in which conciliarists attempted to redefine the structure of the Church. To counteract conciliarism, the papacy had to fight back with Pius II’s (1458-1464) Bull *Execrabilis* of 1460. The popes did not want to rekindle the flames of conciliarism of the previous centuries. To avoid a general council, the Church called several diets and colloquies that did not directly address, narrow, or heal this religious schism with the Protestants: the Diet of Speyer (1529), Augsburg (1530), Leipzig (1534, 1539), Hagenau (1540), Worms (1540-1541), and Regensburg (1541). The Church did not appear to be serious about solving the theological difference with the Protestants. To further the understanding of the reluctance of the Church to find an equitable solution to the Protestants, one has to look no further than the following abortive
attempts. In all of these colloquies, doctrine was the central interest and reform as not considered.

Historian Basil Hall contends that the colloquies, meetings, or councils, like Augsburg in 1530, were not just politicians’ devices or attempts by one religious party to put the other in a false position; rather, they contained within them sincere attempts at mutual understanding and even reconciliation amid great difficulties from the opposition of extremists of both sides. Desiderius Erasmus (1466-1536), a Catholic reformer, argued that men of goodwill from both sides could meet together and solve the difficulties in an amicable and scholarly manner. The colloquies and diets that were convoked after Luther’s request for a council were attempts to discuss doctrine with Luther and the Protestants. These meetings did not aim at making decisive changes; the leaders who conducted them were not given enough power to get anything done. The indecisive meetings had the effect of postponing a general council.

Charles V (1519-1556), the Holy Roman Emperor, recognized that the attempt to suppress Luther and the Lutherans forcibly along the lines of the Edict of Worms (1521) had failed miserably. The Lutheran movement had gathered

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45 Matheson, Cardinal Contarini at Regensburg: 6.
46 The assembly met in Worms in January 1521 and, in the way it both thwarted and supported the pope, it was curiously prophetic of the history of the coming years. The papal death sentence pronounced by the pope on Luther, however, was never to be acted on and, thus, this action was a public flouting of the papal law. Hughes, The Church in Crisis: A History of the General Councils, 325-1870: 302-3.
momentum during the twenties and at the Diet of Speyer (1529).\(^{47}\) Only a year previously to the Diet of Speyer, the Protestants had emerged as a political force with which the Catholics had to reckon. Because of actions at Speyer (the ban on expanding their religion into other Catholic territories) and the protests to those actions, this protest would result in the term “Protestant” to be applied first of all to Lutherans and then to all non-Catholic and non-Orthodox Christians. The Emperor did not have the money and the resources to crush the Protestants by force; nor could he rely on the German Catholic Princes to act effectively in his support.\(^{48}\) For these reasons, the Catholic Church and the reformers met at Augsburg in 1530 at the behest of the Emperor.

At Augsburg, Charles V commanded the Protestants to draw up a statement of their beliefs, called the Augsburg Confession. Philip Melanchthon, a Protestant author of the Augsburg Confession, deliberately ignored what were later to become extremist Protestant positions and intended the Confession as a basis for healing the growing schism.\(^{49}\) Charles V immediately refuted the

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\(^{47}\) Not even the Catholic Princes, who were in the majority in the imperial diets, opposed Lutheranism consistently. For example, in the Diet of Speyer they decided to take religious matters into their own hands and demonstrated a desire to reform their own churches by proposing communion in both kinds, marriage of the clergy, the use of German in the sacraments of baptism and communion, abolition of the mass, and interpretation of the Bible solely through the Bible itself. Harold J. Grimm, "Luther's Conception of Territorial and National Loyalty," *Church History* 17, no. 2 (1948): 87.


\(^{49}\) Hall, "The Colloquy Between Catholics and Protestants," 240.
Augsburg Confession created by the Protestants and negotiations started to change the contents of the Confession. MelANCHThON wrote a summary highlighting the common beliefs among the Protestants and Catholics. The negotiations between the two sides continued, but they reached no agreement. The Protestants refused to give way under pressure at Augsburg and met the Catholics refutation of their confession with derision. The only option that appeared was to resolve the doctrinal differences as the first stage of a peaceful settlement of the religious crisis; this failed. Although the Diet of Augsburg failed to restore unity, attempts to mediate the differences between the “old believers” (Catholics) and the “evangelical believers” (Protestants) continued at Leipzig (1534, 1539), Hagenau (1540), Worms (1540-1541), and Regensburg (1541, 1546).

There was still hope, when after Augsburg, Melanchton’s irenical activity encouraged many to believe that the divisions could be healed. Both sides holding theologically divergent views knew that an agreement would be best for all. After the death of Clement VII in 1534, it was increasingly clear to Charles V that the important question was not whether to hold a council, but what sort of

52 Matheson, Cardinal Contarini at Regensburg: 6-7.
54 Matheson, Cardinal Contarini at Regensburg: 7.
council it was going to be.\textsuperscript{55}

Whatever steps Charles V wished to take to heal the German schism were bound to produce counter-activity from the curia; papal suspicion surrounded the holding of the colloquies. The French were likewise suspicious of the colloquies because they did not wish to see German religious problems solved. To France the healing of the religious schism in Germany could be disastrous, since it would increase enormously Charles V’s centralization of power. Francis I (1515-1547), the Most Christian King, went so far as to make an alliance with the Turks to harass Charles V when the Emperor invaded France in 1536 -- during the decade when Charles V was exerting all his strength to halt the Turkish advance in Hungary and the Mediterranean. Francis I was also willing to ally with the Protestant princes of Germany when the latter formed the Schmalkaldic League of Defense (a league to meet the Catholic use of force with force) against the Catholic princes. Charles V not only faced difficulty from the papacy and from political relations between France and the Turks, but his hope of mending the religious division was thwarted in 1530 at Augsburg.\textsuperscript{56}

The religious condition within the German Empire was grave enough. In spite of his vague promises to call a council, Clement VII (1523-1534) procrastinated because he feared the consequences for himself. Clement VII was in a weakened political and military condition because of his conflict with

\begin{footnotes}
\textsuperscript{55} Ibid., 9.
\textsuperscript{56} Hall, "The Colloquy Between Catholics and Protestants," 245-6.
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Charles V. Dollinger believes “the chief reason why nobody any longer desired a Council, lay in the conviction that, if it met, the first and most essential condition, freedom of deliberation and voting, would be wanting.”\(^57\) The decision by Clement VII not to call a council brought Charles V, who was concerned about the well-being of souls in his dominions, to feel that further delay in dealing with the Protestant schism would prove to be disastrous. He attempted to make peace between himself and the Protestant princes; in the Frankfurt Standstill of April 1539, he stated that attacks on Protestants and Catholics should stop.\(^58\)

The Catholic and Protestant leadership agreed to a meeting at Nurnberg in August 1539 to which both sides should send moderate-minded theologians to try to heal the divisions.\(^59\) In 1539, the Nurnberg meeting convened. Unfortunately, there was an indifference shown to the position of Paul III (1534-1549) -- the papal legate had no input in the decision-making process.\(^60\) During this time of the Nurnberg Conference, the Emperor’s hope of peace with France seemed about to fade and the temporary truce with the Turks ceased; Charles greatly needed a settlement in the Empire, which meant a religious agreement, in order to meet these political challenges.\(^61\)

The Nurnberg Conference failed to resolve anything. Against this grim


\(^{58}\) Hall, “The Colloquy Between Catholics and Protestants,” 143-44.

\(^{59}\) Ibid., 244.

\(^{60}\) Ibid.

\(^{61}\) Ibid., 245.
background and because the Standstill of 1539 appeared to be in danger of dissolving, Charles V called for a conference on religious affairs, the Diet at Speyer, in June 1540; Charles V brushed aside papal indignation against laymen, not authorized by the Holy See, meeting to judge a discussion of theologians. The Protestant princes demanded that Scripture only should be the basis of doctrinal decisions. The curia made renewed efforts to turn the Emperor’s policy aside by proposing a general council, the only effective instrument for unity in faith and customs. This was to be held outside of Germany. However, Charles V objected, as did the Protestants, to a council outside of Germany. Some of the Catholic princes also were dubious about a council. A plague at Speyer led to the conference meeting at Hagenau. Only a few princes and bishops arrived for the conference. When the Hagenau Conference opened in June 1539, the chances for an imperial peace agreement did not seem very great. Historian Peter Matheson informs us that the anti-imperial conspiracy had only just collapsed, the papacy was hostile, the Catholics irresolute, and the Protestants cool; John Frederick of Saxony and Philip of Hesse were absent from the proceedings. King Ferdinand, on behalf of his brother Charles V, was in charge of the proceedings. The meeting broke down because of lack of preparation and lack of established procedures. The Catholic theologians, including Johaen Eck and Johaen Cochlaeus, suggested that the

63 Matheson, Cardinal Contarini at Regensburg: 20.
articles of compromise proposed at Augsburg in 1530 be the starting point of the discussions; Ferdinand also supported this. Nevertheless, the Protestants insisted that they had not agreed upon those compromise articles in 1530. They demanded that the Augsburg Confession itself be the basis for discussion since it contained the doctrine of the one and true apostolic Church. The conference failed to sustain momentum.\textsuperscript{64} There was too much conflict between the sides, and the Emperor ordered the Colloquy closed because they were making no progress.\textsuperscript{66} Ferdinand decided to postpone the conference and to reconvene it at Worms in October 1540.\textsuperscript{66}

The Hagenau Conference, in fact, achieved little, and Charles V was determined to persist in his new policy. The conference planned for Worms in the autumn, with an imperial Diet at Regensburg to follow it, was a last hope of unity.\textsuperscript{67} Rome was boycotting the imperial plans; it did not want to compromise on Catholic doctrine and was refusing to give the least shadow of its sanction to a settlement that might favor Lutherans.\textsuperscript{68} Eventually, Rome compromised, and they decided on a negotiated solution. This settlement had the pope agreeing to meet the reformers at Worms.\textsuperscript{69}

The Diet of Worms in 1540 was the logical next step after Hagenau.

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\textsuperscript{64} Hall, "The Colloquy Between Catholics and Protestants," 247-9.  
\textsuperscript{65} Ibid., 251.  
\textsuperscript{66} Ibid., 247-9.  
\textsuperscript{67} Matheson, \textit{Cardinal Contarini at Regensburg}: 21.  
\textsuperscript{68} Ibid.  
\textsuperscript{69} Ibid., 22.  
\end{flushright}
Before the conference convened, the two opposing sides had planned their strategies. The Elector of Saxony had instructed his Wittenberg theologians to reject any decision that would recognize the primacy of the pope and the papal right to make the final decision upon the conclusions of the Colloquy.\(^7\) The Catholics came with the intention to try to set the agenda for a meeting at Regensburg, which they wanted the following year.\(^7\)

The Diet of Worms opened on November 25, 1540. Speaking for the Catholic side were Johaan Eck, Johaan Cochlaeus, John Gropper, and Julius von Pflug. Speaking for the Protestants were Martin Bucer, Wolfgang Capito, Phillip Melanchthon, Luke Osiander, John Brenz, and Nicholas Amsdorf. The Protestants were of a united front while the Catholics were in disarray.\(^7\) When negotiations finally got under way at Worms, the first victory went to the papal party;\(^7\) this victory for the Catholics was perhaps more apparent than real, and like everything, it had its price. A further embittering of papal-imperial relations was one;\(^7\) the Regensburg Book, a series of twenty-three articles, principal points of theology that were set forth in a manner as conciliatory to both sides as possible, was another part of that price.\(^7\) Hall comments that the Regensburg


\(^{71}\) Ibid., 254-5.

\(^{72}\) Ibid., 249.

\(^{73}\) Matheson, *Cardinal Contarini at Regensburg*: 22.

\(^{74}\) Ibid., 35.

\(^{75}\) Heinz Mackensen, "The Diplomatic Role of Gasparo Contarini at the Colloquy of Ratisbon in 1541," *Church History* XXVII (1960): 315.
Book, a product of this conference, has proven to be one of the most important compromises in the history of the Christian Church. The Diet was a dismal failure as far as achieving a religious compromise was concerned. There were those in both camps who believed that they could yet attain a concord, with Charles V hoping for this for political reasons. The Diet of Worms was closed and the Colloquy of Regensburg was opened on April 5, 1541, with the statement that its primary purpose was to attain religious unity and then to render aid against the Turks. Again, both sides acknowledged the religious and political ramifications required for uniting the two parties.

Procedures and processes had to change if the Protestant and Catholic groups were going to take these meetings seriously. Pope Paul III (1534-1549) received pressure to send a strong papal legate who also had the authority of the pope. However, the pope did not agree and sent a weakened legate, with very little authority, Gasparo Contarini (1483–1542), a Venetian Cardinal and a strong reformer. The pope lessened Contarini’s authority by giving him strict instructions.

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76 Hall, "The Colloquy Between Catholics and Protestants," 254-5.
78 Ibid., 358.
82 Hughes believed that most of the princes of Germany attended and the emperor himself. Two primary reformers Philip Melanchton and Martin Bucer also attended. In, Hughes, The Church in Crisis: A History of the General Councils, 325-1870: 308.
on what he could do and what he could not do. The pope’s instructions to Contarini were that he could not come to an agreement with the Protestants, but he urged Contarini to sound out the Protestant leaders to find what Catholic principles they had retained. The pope hoped he could then work out an understanding with the dissenters. This vagueness was deliberate, and if not helpful to Contarini, it was helpful to the pope. The appointment of Contarini, in May 1540, had given rise to enthusiasm on all sides, in particular among the papal representatives and the imperial party in Germany and among the reforming circles in Italy. They did not know that the pope’s instructions greatly limited Contarini, and thus, he was not that legate with great authority that they had expected.

According to Contarini, the Emperor was frantically seeking an honorable exit out of this labyrinth. Historian Heinz Mackensen believed that the Catholic power that viewed the possibility of religious concord in Germany with the greatest alarm was France. The duel between Francis I and Charles V, carried on through four wars, made the former very conscious that religious controversies weakened the power of the latter. The French hampered Contarini in every way and made a flank attack upon him at the Vatican by spreading the

84 Jedin, A History of the Council of Trent, 1: 117.
85 Matheson, Cardinal Contarini at Regensburg: 36.
rumor that the Cardinal was much too submissive toward the Emperor. The French king further maintained two emissaries at Regensburg -- one to the Catholics and the other to the Protestants.87 The Diet at Regensburg failed. The Catholic Church realized now that the split between the Catholics and Protestants could not be mended. Furthermore, these colloquies concerned mainly doctrine and reform rarely was discussed. Therefore, a council had to be called, not as an attempt at reconciliation, but to formalize doctrine and reform the abuses in the Church. Pope Paul III, 1545-1563, called the Council of Trent.

Historian Madeleine Laurain-Portemer informs us that one of the issues that the Council of Trent addressed was the problem of nepotism. The state of mind of clerics in respect to nepotism was expressed at the Council of Trent on December 4, 1563, in its twenty-fifth and final session.88 Chapter 1, of the Decree on Reformation, expressed that the “Cardinals and all Prelates of the churches shall be content with modest furniture and a frugal table: they shall not enrich their relatives or domestics out of the property of the Church.” Their duty wholly forbids them to strive to enrich their own kindred or domestics out of the revenues of the Church: seeing that even the canons of the Apostles forbid them to give to their kindred the property of the Church, which belongs to God; but if their kindred be poor, let them distribute to them thereof as poor, but not misapply, or waste, it for their sakes: yea, the holy Synod, with the utmost earnestness, admonishes them completely to lay aside all this human and carnal affection towards brothers, nephews and kindred, which is the seed-plot of many evils in the Church. And what has been said of bishops, the same is not only to be

87 Ibid., 321.
observed by all who hold ecclesiastical benefices, whether Secular or Regular, each according to the nature of his rank, but the Synod decrees that it also regards the cardinals of the holy Roman Church; for whereas, upon their advice to the most holy Roman Pontiff, the administration of the universal Church depends, it would seem to be a shame, if they did not at the same time shine so pre-eminent in virtue and in the discipline of their lives, as deservedly to draw upon themselves the eyes of all men.⁸⁹

At the close of the Council of Trent, the attending Cardinals pledged, all the Fathers, by the Legates and presidents, under pain of excommunication, that, before departing from the city of Trent, they should subscribe with their own hand the decrees of the Council, or approve thereof by some public instrument; all of whom subsequently subscribed, and they were in number CCLV; to wit, four legates, two cardinals, three patriarchs, twenty-five archbishops, one hundred and sixty-eight bishops, seven abbots, thirty-nine proctors of absent (prelates) with lawful commission, seven generals.⁹⁰

Historian Leopold von Ranke expressed the opinion of many Tridentine participants that of the articles of reform agreed to at Trent, some were either too vague to have serious results, or too mixed with civil matters not to raise invincible opposition on the part of the princes. Ranke continued and addressed the reforms of the bishops, “Morone mixed up the reform of the Cardinals with the articles concerning the bishops…. Few perceived the importance of the affair and in this way all rocks and quick sands were avoided.”⁹¹ Ranke added,
the Pope was ready to let drop the subject of the reformation of princes which had been projected; in this he yielded to the representations of the Emperor. The fact that a thorough reform of the curia, the Cardinals, and the conclave, did not take place, is extremely connected with the neglect of the reformation by the sovereigns.92

Among the articles that were too vague was the prohibition that forbids the bishops to enrich their relations and friends with Church property. This reform curtailed all hereditary succession of benefices and prescribed that dispensations should be granted only after mature consideration and knowledge of the case.93

These final decrees, with the exception of that on indulgences, were drawn up and voted on with extraordinary rapidity. The Council hardly had time to discuss the decrees; however, they passed them almost unanimously. Those who objected to these reforms stated that they thought these last decrees appeared to them “superficial, insufficient, little worthy of a council.”94 This rapidity of action arose from the desire of the attendees to end the Council. The Emperor’s legates were constantly pressing the other legates; if matters were not hastened, the Emperor threatened to recall them.95

According to Bungener, when the final decrees were read and the vote on the petition that was to be sent to the pope for confirmation was called, there were “compromises, subterfuges, questions eluded, principles dissembled under

92 Ibid.
94 Ibid., 525-7.
95 Ibid.
forms, because there was either want of the courage or want of the will to agitate what lay essentially at the bottom of them.96 The petition was passed and the legates brought it to Rome where Pius IV felt disposed to grant it immediately. Inadequate though the reforms that had been ordered might have been, there was enough in them to frighten Pius’s court, and nothing had more shocked it than to see the Cardinals expressly compromised in some of the most severe decrees.97

Historian Louis Ellies Du Pin opines that the curial uncertainty caused Pius IV to debate whether he should confirm the decisions of the Trent. The officers of the Court of Rome opposed their confirmation, and some Cardinals were of the opinion that they should only confirm the Decrees of Faith, without mentioning those of Reformation. The pope chose eight Cardinals, Morone, Saraceni, Cicala, Alessandrino, Araceli, Simoneta, Borromeo, and Vitelli, to advise him what he should do -- he added later the Cardinals de Bourdaisiere and da Mula. Da Mula was of the opinion, that the pope should confirm all the decrees of the Council without restriction.98

96 Ibid., 531.
97 Ibid.
On December 30, 1563, Pius IV gathered all the Cardinals and made a speech in which he commended the legates and fathers of the Council of Trent, declared his approbation of the decrees that they had made concerning reform, and announced that he had decided to have these executed. Accordingly, he commanded all bishops to go to their diocese. In particular, he commended the regulation requiring priests to attend seminaries. Lastly, he told them, he was resolved to confirm the Decrees of the Council of Trent without any reserve.99

This confirmation was solemnly made in the Consistory on January 26, 1564. Cardinal Giovanni Morone (Moroni) (1509–1580) confirmed and Cardinal Ludovico Simoneta (1500-1568) first set forth the tenor of the last Decree of the Council, by which they desired confirmation and prayed his Holiness to promise to confirm all that had been done by the Council under his predecessors Paul III and Julius III and during his own Pontificate. All of the Cardinals, except the Cardinals of St. Clement and Alessandrino (later Pius V), were for absolute confirmation, but the Cardinals of St. Clement and Alessandrino disagreed with the chapters that gave too much authority to bishops. Pope Pius IV then asked that the decrees be read, he confirmed all the decrees of the Council, and he

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99 Du Pin, A new history of ecclesiastical writers: 391; Ludwig Von Pastor, The History of the Popes, from the Close of the Middle Ages., ed. Ralph Francis Kerr, XXXVI vols., vol. XVI (London: Routledge & Kegan Paul LTD, 1951), 7-8. The pope wanted to solidify the decrees and wanted them published. Certain officials of the curia to prevent its publication did everything; it was represented to the pope that an unconditional confirmation of the Council would affect the revenues of the Apostolic Camera in the most disastrous manner and would mean the simple ruin of the Papal Court.
instructed all the faithful to receive and observe them inviolably.\footnote{du Pin, A New History of Ecclesiastical Writers, 391. Sarpi VIII, 83.}

While Pius IV had pushed through the vote to approve the Tridentine work, the reforms were not as stringent as some wished; while others thought them to be too strict. Early in 1563, the Archbishop of Granada was forever proclaiming the divine right of the bishops; others, especially the French bishops, were indulging in the most violent censures of the real and supposed abuses in the curia.\footnote{Bungener, History of the Council of Trent: 471.} Catholic Historian Ludwig von Pastor points out that the Bishop of Paris, for instance, wished to see proposed reform of the curia’s ancient mode of electing bishops, by which the pope would have to renounce his right of nomination. According to the wishes of many, the right of dispensation must also be withdrawn from the head of the Church, and the election of the pope regulated by the council.\footnote{Pastor, The History of the Popes, from the Close of the Middle Ages, XV: 332; J. Grisar, “Papistiche finanzen, nepotismus und kirchenrecht unter Urban VIII,” in Miscellanea Historiae Pontificiae, ed. Facultate Historiae Ecclesiasticae in Pontificia Universitate Gregoriana (Roma: Pontificiae Universitatis Gregorianae, 1943).}

In the final assembly, on June 16, 1563, James Lainez (1500-1565), the general of the Jesuits, maintained with the greatest firmness that the Council could not reform the pope as head of the Church.\footnote{The Council of Trent did not dare, or was not able after several months of efforts, to discuss anything on the subject of papal reform. Bungener, History of the Council of Trent: 464.} Reform, Lainez declared, is a return to old ways; there is an interior reform as well as an exterior one, and the latter must be subsidiary to the former; all reform must presuppose the
immutability of the divine law. Not everything, however, is divine law, which the fathers of the council honor with the title. Lainez strongly insisted that the pope himself, opposing most resolutely those who maintained the superiority of the council over the pope, could carry out the reform of the Roman curia in the best and most effective manner.\textsuperscript{104} The French were of an opposite opinion on the relationship between the Church and a council. The ultimate aim of the French was to undermine the monarchial character of the organization of the Church, in the sense of the Council of Basel (1431-45). As early as June 29, 1563, while the dispute about precedence between the French and Spanish envoys was taking place in the Cathedral of Trent, the passionate Frenchman were deeply offended at the preference shown Spain. While the above intrigue was happening, important deliberations on general reforms were being carried out at the same time; in this connection, Pius IV expressly declared that the councils must also reform the Cardinals, and that even the laity were bound by the general reforms.\textsuperscript{105}

At the time when Cardinal Morone was asking for reforms to the princes (foreign sovereigns), the French government was preparing, by threats of extreme measures, to make the reform of the princes impossible. On August 28, 1563, as a protest, the French envoys were instructed to retire to Venice and to mandate the French bishops to leave as soon as the Council touched upon the

\textsuperscript{104} Pastor, \textit{The History of the Popes, from the Close of the Middle Ages}, XV: 333.

\textsuperscript{105} Ibid. 333-5, 339-40.
rights and liberties of the French crown. The power of the Council, so Charles IX (1550–1574), the King of France, declared, was exclusively limited to the reform of the ecclesiastical body, and it had no authority to interfere in the affairs and rights of the state.\textsuperscript{106}

The majority of the bishops impatiently desired the reform of the princes because the bishops knew very well that it affected their own authority and independence. After Ferdinand I (1556-1564), the Holy Roman Emperor, had shown his desire to influence the council independently of the pope, by the delivery of the reform \textit{Libellum} of June 6, 1562. Pius IV deflected this by linking the confirmation of Maximilian II’s (1564-76) election with the Trent -- that is to say, by obtaining Ferdinand’s consent to the closure of the Council in exchange for such confirmations of Ferdinand I’s son as Holy Roman Emperor, at the death of Maximilian II.\textsuperscript{107}

\textbf{The Popes after Trent}

Bungener deduces that the denial of the papal supremacy was sufficiently answered by the Trent decisions, but Gallican views as to the denial of the

\textsuperscript{106} Ibid., 346-7.

\textsuperscript{107} Ibid., 347, 52; Paula Sutter Fichtner, "The Disobedience of the Obedient: Ferdinand I and the Papacy 1555–1564," \textit{The Sixteenth Century Journal}, no.II, Summer (1980): 33. Nothing that Ferdinand requested departed from his life-long belief in moderation. Ferdinand had vowed to a nuncio as early as 1560, that he did not wish to tell the pope how to run the office, he urged the pontiff to accept reform of his position and of the Curia and to accept some limitations from the council on such things as the granting of dispensations. None of this could be seriously construed as a threat to papal supremacy. Ferdinand asked for controls on dispensations only insofar as these weakened Church law or led to flagrant abuse of it. Confronted with this hostility about some of his positions, Ferdinand withdrew some of his more radical proposals. He assured the nuncio in Vienna that he had offered the \textit{Libellum} only as a set of suggestions to the council.
primacy of the pope and especially as to the question of whether the pope was subject to an ecumenical council, were not expressly decided at Trent. The whole reform plan of the fathers of the Council was built upon the conviction that the Church, in her organization, possesses both the possibility and the means of moral rejuvenation. According to their ideas, the bishops are the chosen representatives of the reform, from which must precede the whole of the new life. Consequently, the Church fathers began their work of reform among themselves, for the integrity of those who are in authority. Some of the post-Tridentine Popes decided what reforms, if any, they would enforce. The following section looks at some of these Tridentine popes and their reform attempts.

After the death of Pius IV, Pius V (1566-1572) continued the Tridentine reforms. Four days after taking possession of the Lateran, a consistory had been held at which the pope announced certain reforms of the clergy and the people of Rome. A special commission of Cardinals was appointed for the reform

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108 The German Jesuit, Biner, said that nine-tenths of the fathers were agreed in acknowledging the pope’s superiority to the council, and yet, on the reclamations of certain Frenchmen, it was not declared. Bungener, History of the Council of Trent: 460.

109 Ibid., 464.

110 Emperor Ferdinand I was incensed because his articles of reformation had been placed at the end of the Council of Trent and had not yet been really brought under consideration. Morone, who had been elected president of the council, did not want to give way in essentials, nor to suffer the power of the pope to be weakened. He wanted to “hit upon such decisions as might satisfy the Emperor, without trenching on the authority of the Pope or the legates.” Morone agreed to bring forth the discussion on reform. However, Ferdinand agreed that “reform of the head” should be avoided; as well as whether the authority of the council was superior to the pope. Ranke, The Ecclesiastical and Political History of the Popes of Rome During the Sixteenth and Seventeenth Centuries, I: 206-8.

of the secular clergy -- the bishops were reminded of the duty of residence. The pope was frugal and he reformed the datary immediately after his election. At the beginning of February 1566, he also undertook the reform of the Signatura (the office that prepared documents for the papal signature) -- the personnel of which was substantially reduced.¹¹² Pius V took the reform to his own household; he limited his court to 500 persons, and vowed not to spend more than 50,000 ducats a year.¹¹³

According to von Pastor, Pius V knew the financial hardships that Trent might have had on some Cardinals.¹¹⁴ Pius V said that the poorer Cardinals must turn to him for help without hesitation, and at the end of January 1655, he had distributed forty purses, containing in all 20,000 scudi, to the poorest Cardinals. All Cardinals were made to hand in a list of their revenues, and those who had made more than 6,000 scudi had to give up a fifth part for the benefit of their poorer colleagues and for ecclesiastical purposes.¹¹⁵

Since 1566, by Pius V's orders, a great scheme of reform of all the tribunals and officials of the curia had been in preparation.¹¹⁶ The chief obstacle in the way of any complete change in the curia lay in the fact that, for a long time

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¹¹⁶ Ibid., 170.
past, many of the curial offices had been sold for money. Since the time of Sixtus IV (1471-1484), the popes had often found themselves in great financial difficulties, and in order to provide a remedy, the number of official positions that were sold for large sums was increased. Anyone who had thus obtained a post, to which an income was attached, naturally sought to administer it in such a way as to enrich himself. Pius V realized that this reform would take time because of these vested interests.

On the death of Pius V, Gregory XIII (1572-85) was elected pope, and he immediately showed his predilection to continue the reforms of Trent. The first measures he took involved rejecting any form of exaggerated nepotism. As had other post-Tridentine popes, he appointed a special commission to assure the reforms were observed. The datary (office to which are sent graces or favors from benefices) was specially ordered to observe the decrees strictly, while their observance was repeatedly enjoined upon the nuncios as Gregory XIII enforced

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118 Pastor, The History of the Pope, XVII: 17-1. Pastor opined that under Callitus III (1455-58) offices had been obtained for 1000 gold florins, offices had cost twice that sum under Julius II (1503-13), and three times as much under Leo X (1513-21).

119 The lack of nepotism had more to do with the lack of qualified family rather than with commitment. Anonymous, "Relazione della corte di roma nel tempo Gregorio XIII," in Bibl. Cors. (Corsini Library, 1574). in Ranke, History of the Popes, III: 259; Gregory’s most ardent desire was to promote his son and to elevate him to princely rank. He nominated him castellan of St. Angelo and gonfaloniere of the Church; however, Gregory’s friends alarmed his conscience. Gregory eventually disposed of him in marriage. He eventually elevated two nephews to the Cardinalate. Ranke, The Ecclesiastical and Political History of the Popes of Rome during the Sixteenth and Seventeenth Centuries, I: 254-55.
the duty of residency.\textsuperscript{120}

Sixtus V (1585-90), although he had a different character than previous popes, continued the reform of the ecclesiastical life\textsuperscript{121} and the restoration of unity of faith in the Christian world. What was new and peculiar was the approach of Sixtus V in the face of the grave crisis through which France was passing -- the resolution, between the Protestants and Catholics, which was of so great importance to the whole future of Europe.\textsuperscript{122} The two-fold problem manifested itself in Sixtus V’s attitude towards the disturbances in France: saving the Catholic faith so seriously threatened by Calvinism, and the preserving France as a powerful and independent state.\textsuperscript{123}

Sixtus V also showed a love for his own capital. What he did for its development and its embellishment is of great importance. The building undertaken by him called for the expenditures of large sums, which at first were difficult to obtain, as the finances of the Holy See no longer balanced because of the lavish generosity of his predecessors and because of his unwillingness to impose new taxes. Gregory XIII had exhausted the revenues of Pius V, as well


\textsuperscript{121} Sixtus V established a high standard for the qualities befitting the office of Cardinal. Ranke, \textit{The Ecclesiastical and Political History of the Popes of Rome during the Sixteenth and Seventeenth Centuries}, I.


\textsuperscript{123} Ibid.
as those of his own pontificate.\textsuperscript{124}

However, the state of affairs was not as bad as Sixtus V imagined. In the Castle of St. Angelo, a papal bank held 326,500 \textit{scudi} in gold and 33,500 in silver. However, the public treasury was empty, and the revenues for the next half of the year were mortgaged. The energetic Sixtus V was successful in steadily increasing his revenues, and in spite of his extensive building operations, he deposited in the Castle of St. Angelo a reserve fund, which at his death amounted to 5.5 million \textit{scudi}.\textsuperscript{125} The reorganization of the finances undertaken by the pope was based upon the extensive use of the sources of revenue afforded by saleable offices and the \textit{monte}.\textsuperscript{126}

Sixtus V also displayed the same great relentlessness that he had shown as ruler of the Papal States, in his role as supreme head of the Church. The reform party was of the opinion that he would surpass even the reforms of Pius V, as Sixtus V was by nature more energetic. From the very beginning of his pontificate, Sixtus V followed in the footsteps of Pius V in ecclesiastical matters. During the closing years of Gregory XIII, some of the ancient abuses had once more crept in; these Sixtus V was determined to eradicate. Sixtus V wanted to eradicate simony (the sale of Church Offices), and he wanted to hold everyone to the sanctions against accumulation of benefices.\textsuperscript{127} Sixtus V replenished the

\begin{small}
\textsuperscript{124} Ibid., 113.
\textsuperscript{125} Ibid., 124.
\textsuperscript{126} Pastor, \textit{The History of the Popes}, XXI: 127.
\textsuperscript{127} Ibid., 129-30.
\end{small}
papal treasury left empty by Gregory XIII. By cutting expenditures to the bone, raising new taxes, exploiting the sale of offices, and floating new loans, he accumulated a sum of over four million scudi.\textsuperscript{128}

Clement VIII (1592-1605), immediately after the beginning of his pontificate, proclaimed a general visitation of all the churches, religious houses, and pious institutions of Rome. He appointed a commission composed of bishops and Cardinals who began its labors with a visitation of the Lateran Basilica. Clement knew how difficult it was to reverse a trend in which he had allowed bishops to gather in Rome. He wished to eradicate the abuse, which entailed bishops being absent from their diocese and remaining without excuse in Rome. Toward the end of his pontificate in 1603, there were so many bishops present in the curia that he was obliged to become stricter. He issued an order that each must obey the Tridentine decree and return to his diocese. By April 1604, almost all the bishops had left Rome.\textsuperscript{129}

Paul V (1605-21) was only fifty-two when he was elected pope. Von Pastor informs us that at the beginning of his pontificate, the opinion was expressed that his reign would be very similar to that of Clement VIII. This opinion was to be verified in connection with the administration of both ecclesiastical and secular affairs. In 1605, Paul V extended the jurisdiction of the


“Congregazione del buon governo” (Congregation of Good Government), which had been instituted during Clement VIII to deal with the economic conditions of the Papal States. The Congregation did much towards the liquidation of the debts of the various communes. These debts, which amounted to 1,745,600 scudi at the beginning of Paul V’s pontificate, were reduced to 445,600 by the end of his papacy. A tax on meat and a reduction of the interest charged by the monte were used for the extinction of the debt of the City of Rome.\(^{130}\)

One of the first measures of Paul V in the internal government of the Church was to inculcate anew, in an ordinance published on October 19, 1605, the duty of residence laid upon all ecclesiastics by the Council of Trent and for which Clement VIII had recently striven. No one enjoying a benefice could be exempt from this obligation. He instructed that even bishops in the curia return to their diocese; even Cardinals with diocese were bound by this law. The Commission of Reform, whose activities had begun under Clement VIII, was convoked again in November 1607; constant correction was a necessity. To this end, the great theologians could think of nothing better than a strict execution of the reform decrees of Trent. The Commission wanted the reforms to begin with the higher clergy and then to extend to all ranks down to the lowest order. However, Paul V did not put into execution all these reforms.\(^{131}\)

Gregory XV was elected pope upon the death of Paul V, in 1621.

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\(^{130}\) Ibid., XXV: 37, 71, 86.

\(^{131}\) Ibid., 218, 23-24.
Strenuous exertions and repeated illnesses had exhausted the strength of Gregory XV to such an extent that he felt compelled to look for someone who would help him cope with his affairs. He found this assistance in the eldest son of his brother, Ludovico Ludovisi, whom he raised to the Cardinalate on February 15, 1621. Gregory entrusted him with the management of the most important affairs, both spiritual and secular. Rome had been a witness to a repetition of the painful spectacle of nepotism from which it had suffered under Clement VIII and Paul V. Ludovico Ludovisi was laden with honors, dignities, and the most lucrative ecclesiastical offices and benefices in a measure exceeding all bounds. Immediately after his elevation to the Sacred College, he was given the archdiocese of Bologna. By May, Ludovico Ludovisi’s income was 80,000 scudi a year. In the same year, Ludovisi had paid the sum of 39,000 scudi for a palazzo of the Colonna.  

Urban VIII (1623-44) succeeded Gregory XV as pope. Notwithstanding Urban VIII’s great affections for his relatives, he had refrained from all nepotism, even though a post worth 200,000 scudi was vacant. Out of that sum, he assigned to his nephew Cardinal Barberini only 6,000 scudi and distributed the rest among the other Cardinals. Other reports likewise inform us that, at first, Urban VIII wished his relatives to remain in modest positions. Unfortunately, a

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132 Ludovico Ludovisi was twenty-five when he was elected Cardinal. Kelly, The Oxford Dictionary of Popes: 279.

complete change was soon to take place. In 1627, Urban VIII gave Francesco, the most gifted of his relatives, the rich abbeys of Grotttaferrata and Farfa. Francesco was also made archpriest of the Lateran in 1627, of St. Mary Major in 1629, and St Peter’s in 1633. In 1630, his income was 80,000 scudi. The relatives clearly exploited their uncle’s pontificate.134

Innocent X (1644-1655) did not learn from the difficulties, which Urban VIII created for himself because of his reckless nepotism. It never entered Urban VIII’s mind to do away with the post of Cardinal Nephew, reputedly indispensible for running the court. It was the misfortune of the Pamphili pope that the only person in the family circle possessed of the requisite qualities for such a position was a woman, his sister-in-law, Olimpia. All the nephews whom he successfully adorned with the purple proved utter failures. Olimpia’s excessive influence over the aged Pontiff is well established. She exacted good payments for the smallest service. As her influence grew, so did her wealth.135

The decrees of the Council of Trent issued guidelines for the reform of the Catholic Church. Few, if any, of the post-Tridentine popes followed all the reforms issued at Trent. One of the most obvious failures of Trent was the resurgence of nepotistic practices. As can be seen from the brief description of the practices of the post-Tridentine popes, the Tridentine prohibition on enriching

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relatives at the expense of the Church was certainly not followed universally. The expenses flowing from the Church to the relatives of Church officials greatly exceeded that prescribed at Trent. This great financial drain on the Church manifested itself in the loss of prestige and power that a financially stronger Church would not have suffered. Innocent XI saw this first hand when he did not have financial means to put in place his idea of a strong Church: evangelism and security.

The councils of the church, from Constance to Trent, despite their accomplishments, were not successful in either modifying the structure of the Church or reforming the upper ranks of the churchmen, the Cardinals and the popes. The papacy remained a monarch in the Church. Reform was dependent on the character of the popes and Cardinals. Residence requirements for the bishops to be in their diocese and the Cardinals to be in Rome were taken more seriously. Papal fear that councils would erode the hegemony of the Papacy prevented real discussion of reform and sharing of power, and effective limitations. It even prevented real discussions of the Protestant problem. As the political theory of the age allowed the absolute monarchs to rise ever higher and become less accountable in their exercise of power, the Papacy followed suit.

The French never accepted the decrees of the Council of Trent. The Gallican Controversy was a thorn in the side of the Church and the Church's attempt at reform. This controversy reaches a peak during the papacy of Innocent XI. Louis XIV had the French Church issue the Four Gallican Articles
composed at the Sorbonne. These articles established the rights of the French authority over the French Church. The following chapter discusses the foundation of Gallicanism and the relationship between Louis XIV and Innocent XI and the differing views on the authority of the pope.
CHAPTER 4

THE FRENCH, GALLICANISM, AND THE COUNCIL OF TRENT

The Council of Trent did not expressly decide all issues of Papal Supremacy; those who held a Gallican point of view wished for a council through which national churches could negotiate with a pope. The Council of Trent was not that kind of council.¹ The popes called and continued Trent, a council that lasted for eighteen years, because they wished to reform and codify practices of the Church. The popes decided what was to be included in the final decrees at Trent. In this Council, the pope was controlling the Council, thus he exerted papal supremacy. However, the question of whether all councils were superior to the pope or visa-versa was not expressly decided at Trent.

The decision made at Trent by the pope to control the council was understood by the French to give the pope more authority in the Church. The French were upset by this because, with a stronger and more powerful pope, their authority over the French Church would diminish. Their hope and intent at Trent was to weaken the power of the pope so the French King could have more power over his own Church. The study of the disagreement between the French Church and the universal Church is important because the disagreement added another impediment to the reform of nepotism. Without French help, Innocent XI

could not unify the Catholic Church. Because of the French influence, time and energy were taken away from Innocent XI's primary focus, reform.

De Luca lost some of the credibility and respect that he had earned in the Church because of the Gallican controversy. Innocent XI had asked de Luca in 1683 to write on this issue, which he did. However, many in the Church thought that de Luca had refused to write on Gallicanism, or if they knew about the one extant document that was written by de Luca, they disapproved of his position. Both attitudes were detrimental to de Luca's reputation. The former argument against de Luca was false because there was a document written by de Luca on Gallicanism. As for the latter point of view, he wrote about Gallicanism as a Roman and feudal lawyer, arguing from custom and law perhaps in favor of many of the rights of the French Church and the rights of the French King over the French Church. Innocent XI had expected De Luca to write against the independent rights of the French Church.

By analyzing the beginnings of Gallicanism and by tracing its growth through the seventeenth century, the disagreements between the French and the Church on the authority of the pope can be identified and investigated. Examining closely the document on Gallicanism that de Luca wrote illuminates his position on the controversy.

Gallican Views on the Council of Trent

French views on the Tridentine reforms were expressed at the end of the
Council. These views would affect many of the reforms attempted by the Church immediately after Trent and later during the pontificate of other popes, including Innocent XI. This section of the dissertation focuses on the French influences on the Catholic Church during the second half of the seventeenth century and how these affected Innocent XI’s attempted reforms of the Church.

In the late sixteenth century, various French jurists composed treatises in which they expressed their views on the Council of Trent. Shortly after Trent’s conclusion, Charles du Moulin\(^2\) developed the first formal Gallican statement on the Tridentine decrees.\(^3\)

The announced intention of Du Moulin's brief was to persuade French courts that the Tridentine decrees were profoundly subversive of both French Church traditions and regal rights, and should consequently not be received in the kingdom. Du Moulin considered the convocation of the Council, attendance at

\(^2\) Robert M. Kingdon, "Some French Reactions to the Council of Trent," *Church History* 33, no. 2 (1964). Reactions to the Tridentine tradition are not all religious and neither were contemporary reactions to Trent itself. This is demonstrated by the 1564 pamphlets that deals with the more secular reaction to Trent. It was prepared, perhaps at the request of the Protestant Admiral Coligny, as a guide to the French courts, which would soon be asked to consider formal reception of the Tridentine decrees and their integration into the body of French law. Du Moulin was a man whose religious position is not easy to define. During his mature life, he was certainly not a Roman Catholic, except, perhaps, for a short time before he died. But neither was he any orthodox sort of Protestant-although he flirted with Calvinism, Lutheranism, and Zwinglianism. And neither was he a mere amateur in matters of religion.

\(^3\) Bungener believed that France never accepted the decisions at Trent. The Archbishop of Bourges wrote to Henry III, in the name of the Assembly of 1596, that the Council of Trent has been received by all kings, and there remains only this kingdom that...In such sort that your kingdoms there remains a mark and reproach put upon it by other kingdoms for the crime of schism. The Bishop of Mons to Henry IV, in the same Assembly of 1596 wrote that other kingdoms have received it, and this kingdom which, above all others, has the title of Most Christian, has yet to received it. L. F. Bungener, *History of the Council of Trent*, ed. John McClintock (New York: Harper & Brothers, 1855), 525-26.
the Council, the Council's dogmatic decrees, its reform decrees, and, finally, its provisions for promulgation of the decrees. In each of these aspects of conciliar activity, Du Moulin found legal flaws. The convocation of the Council violated procedures dictated by natural law, since the defendant, the pope, called the Council of Trent and appointed its presiding officers, and since the plaintiffs, the German Protestant princes, were neither summoned nor allowed to attend. It also violated precedent, since all early ecumenical councils were convened by emperors and secular rulers. Attendance at the Council similarly violated natural law since the delegates all were sworn enemies of the plaintiffs, and it again violated precedent, since there were no official representatives from such important Christian countries as France at certain sessions. As for the dogmatic decrees, Du Moulin argued that a number of them corrupted truth and promulgated heresy. This part of his argument was comparatively perfunctory. With more persuasiveness, he argued that many of the reform decrees cannot be accepted in France because they violated laws of centuries' old standing, both in Christendom generally and in France particularly. In developing the latter part of this argument, historian Robert M. Kingdon suggests, Du Moulin was at his best, since he could draw on his own magnificent knowledge of French legal precedents. However, even this part of his argument was not documented in

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4 Du Moulin used conciliar history as the starting-point for an absolute denial of papal authority, but few Gallicans followed his lead. J. L. Thireau, Charles Du Moulin (Geneva, 1980). Etienne Pasquier went out of his way to rebut the claim by 'modern heretics' (such as Du Moulin) that the conciliar theorists had denied the spiritual authority of the pope. Both cited in Jonathan Powis, “Gallican Liberties and the Politics of Later Sixteenth-Century France,” The Historical Journal 26, no. 3 (1983).
detail. At several points, he contents himself with citing more substantial works of reference, including such works of his own as the monumental commentaries on the customary laws of Paris. The brief ends with Du Moulin's legal objections to the Council's submission of its decrees to the pope for final promulgation.\footnote{Robert M. Kingdon, "Some French Reactions to the Council of Trent," \textit{Church History} 33, no. 2 (1964).}

Underlying Du Moulin's entire argument is the assumption that in all matters affecting the temporal organization of human society, the State must take precedence over the Church. Consequently, in all matters pertaining to the organization and discipline of the French clergy, French law must take precedence over canon law or papal dictate. Equally basic to Du Moulin's entire argument is a general, if not altogether consistent, prejudice in favor of tradition and against innovation. He normally shares the conviction, so widespread among lawyers of the common law tradition, that customary ways of doing things are legal and right; and this conviction goes far to explain his determination to resist acceptance of the Tridentine reforms, even at some real personal risk.\footnote{Kingdon, "Some French Reactions to the Council of Trent," 153-5; Haydeen and Greenshields wrote that the first phase of the Catholic Reformation prepared a corps of bishops who, as soon as peace was restored in France in the late 1590s, started to build on the foundations prepared by their predecessors. What they built was a new type of reform, based not on the French Gersonian model used in the sixteenth century, but on the model established by Trent. In the course of the seventeenth century the diocesan and provincial differences in approach decreased as the Tridentine model spread throughout the country. J. Michael Hayden and Malcolm R. Greenshields, "The Clergy of Early Seventeenth-Century France: Self-Perception and Society's Perception," \textit{French Historical Studies} 18, no. 1 (1993): 145.} To understand the initial Gallican resistance to these Tridentine reforms, one must examine the history of Gallicanism and the stance of the French Church and
Gallican History

Gallicanism of the fourteenth and fifteenth centuries formed as an organic part of the great tradition of medieval ecclesiastical reform. According to historian Jotham Parsons, from the eleventh century onward, Western Christendom was swept by wave after wave of enthusiasm for the project of purifying the Church while removing it from the corrupting influence of secular power, ambition, and avarice, and for reviving an earlier, more innocent state.7

Gallicanism is a complex body of political and ecclesiastical principles that were prevalent in early modern France. These principles were based upon numerous historical precedents drawn from legal discussions and arguments from the eighth through the fifteenth centuries. Gallican theorists maintained that the French king possessed absolute temporal authority within his kingdom. Moreover, they insisted that the papacy respect the special privileges of the king and of the French Catholic Church. By the sixteenth century, the latter was an autonomous Church, which was directly subject to the French crown. After the conclusion of the Council of Trent, many French jurists claimed that the Tridentine decrees had greatly increased the authority of the Holy See. They believed unconditional French acceptance of the decrees would result in extensive papal interference in the temporal and ecclesiastical affairs of France.

In short, the Tridentine decrees seemed to threaten the traditional independence of the French crown and Church.\(^8\)

Historian Thomas Crimando distinguished at least two separate types of Gallicanism. The first, Ecclesiastical Gallicanism, placed great emphasis upon the special privileges of the French clergy, the "Gallican liberties." During the Great Schism of the fourteenth and fifteenth centuries, the clergy won royal recognition of two specific ecclesiastical privileges. First, whenever major benefices such as bishoprics and abbeys fell vacant, the new bishops and abbots were to be elected by cathedral chapters and monks, respectively. Secondly, the French clergy also claimed that they were not obliged to submit to annates\(^9\) and other papal taxes. These two privileges, ecclesiastical elections and fiscal exemptions, came to be regarded as the principal liberties of the Gallican Church. While the French clergy recognized the primacy of the Holy See, they also believed that the pope was subject to the decisions of a general council of the Church.\(^{10}\) This principle of conciliar supremacy was clearly defined and affirmed by the Council of Constance in 1415. King Charles VII (1403-1461) in the famous Pragmatic Sanction of Bourges confirmed both the Gallican


\(^{10}\) See Chapter 3 of this dissertation on Conciliar Theory.
liberties and conciliar supremacy in 1438.  

The second type of Gallicanism is Royal Gallicanism, which featured an emphasis upon preservation of the authority and special privileges of the King of France. Gallican theorists maintained that their king was not subject to any other ruler. Therefore, they believed that the pope possessed no right to intervene in the temporal affairs of France. Within France, the king exercised absolute authority, which included important ecclesiastical prerogatives, such as the Regale, the right of enjoying the revenues of all vacant bishoprics, and of appointing to all their dependent benefices. In theory, the French monarchy and clergy jointly limited papal intervention in French ecclesiastical affairs. However, after the issuance of the Pragmatic Sanction of Bourges of 1438, the interests of the crown soon came into conflict with those of the clergy. French kings, in order to procure concessions from the papacy, repeatedly ignored or disavowed the Gallican liberties. An example is the selective use of Gallicanism by the French Kings Louis XI (1461 to 1483) and Francis I (1515-1547).

In 1438, Charles VII (1422-1461) had been an active instigator of the Pragmatic Sanction of Bourges. After him, however, Louis XI had been famous

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11 The Pragmatic Sanction of Bourges (1438) were used by the French Church to reform in degrees especially those that were directed against Roman reservations. Klaus Schatz, Papal Primacy - From Its Origins to the Present, trans. John A. Otto and Linda M. Maloney (Collegeville: The Liturgical Press, 1996), 135.

12 Under his right of Regale the king assumed control of vacant Episcopal sees. He received revenue from a see while it remained vacant. In Note 9: Crimando, "Two French Views of the Council of Trent," 171.

13 Ibid., 170-1.
for his on-and-off support of Gallicanism, and Francis I had concluded the Concordat of Bologna in 1516. Under this agreement, King Francis I and his successors received the right to nominate candidates to many major benefices; if they proved worthy, they were then confirmed by the pope. At the same time, the king agreed to permit the payment of annates to Rome. By allowing this, Francis I severely curtailed the observance of the Gallican liberties. Royal Gallicanism would continue as long as the king could dominate all high prelates and could squeeze a sizable "free gift" out of the clergy to help his treasury.

Historian W.J. Bouwsma believed Gallican ideas transcended any purely national setting and that one should study them from the standpoint of religious rather than of ecclesiastical history. Beyond the narrowly institutional concerns of traditional French approaches to the subject, Bouwsma glimpsed among the upholders of Gallican liberties a certain cast of mind: a disposition towards religious renewal, an acceptance of the diversity of local Church arrangements, and a corresponding distaste for the dogmatic certainties and standardizing ambitions of Tridentine Catholicism.

Gallicans took the temporal authority of the king and his agents to imply a wide range of duties and powers over the Church. However, their enthusiasm for

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this understanding of Gallican freedom was not universally shared. The late sixteenth-century experiment saw intermittent skirmishing on the issue between royal and papal agents; this was, in part, a consequence of French suspicion over the Council of Trent, but other problems heightened the tension further. The financial difficulties of the crown made the personnel and property of the Church attractive targets,¹⁷ and government projects for ecclesiastical reform could appear in Rome either as meddling in *spiritualibus* (pertaining to things spiritual) or as supporting heresy. A number of clauses of the 1579 (Blois) ordinances¹⁸ proclaimed the familiar Gallican principle that it was the duty of the crown to uphold the discipline of the Church. Provision was duly made, under the authority of the crown, for the rules of Episcopal residence and visitation; moreover, article forty had banned clandestine marriage defined in the terms of earlier French

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¹⁷ Twenty-eight archiepiscopal sees and thousands of diocese, monasteries, and vicarages were in the hands of laymen who enjoyed their revenue without carrying out the religious responsibilities attached to their posts. After the King had obtained a yearly financial contribution of 1,350,000 francs from the clergy, the King had to promise the publication of the Council of Trent decrees at the earliest opportunity and thus give them power of Law. Legal enforcement of the rulings of the Council decrees would then be possible and this was really the only remedy to the existing condition of simony.

¹⁸ The *Parlement* of Paris invested considerable time and energy in detailed consideration of the substantial reforming legislation that had emerged from the first Estates General of Blois (1576–77) and which formed the eventual Ordinances of Blois (1579). By placing their intervention in the context of the response from the Parisian magistrates to the holding of other Estates General in the sixteenth and early seventeenth century, it concludes that the sovereign court sought as much to uphold its exalted view of the ‘law of the realm’ and its own conception of reform, as to assert its independence from the Estates General or become a decisive intermediary in the dialogue between the crown and its subjects. In Sylvie Daubresse, “The Parlement of Paris and the Ordinances of Blois (1579),” *French History* 23, no. 4 (2009).
legislation, not in those of the Tridentine decree *Tametsi*.\(^{19}\)

In the sixteenth-century, the substance of Gallican liberty remained as it had traditionally been: a body of doctrines, institutions, and practices devoted to maintaining the power of the crown and its agents over the ecclesiastical structure of France. The circumstances of the late sixteenth century demanded a measure of adjustment, which included a limited and grudging accommodation with the Protestant minority, and intense and unprecedented concern at the consequences of spontaneous Catholic religiosity. Some who upheld the liberties of the Gallican Church may have sought a more tolerant approach to religion.\(^{20}\)

Gallican sympathies in France had been weakened in the sixteenth century by the ultramontanist leadership (people who supported papal authority in French political affairs) of the Catholic League during the civil wars (circa 1587-1596) and by internal divisions between Episcopal Gallicans, who desired a Church governed by its bishops, and political Gallicans, or regalists, who sought a Church subordinated to the king. The murder of Henry IV (1589-1610) and the testimony of the assassin, Ravaillac, who held ultramontanist opinions, revived the old controversy, and soon both the Sorbonne\(^{21}\) and the Parlement, old

\(^{19}\) Powis, "Gallican Liberties and the Politics of Later Sixteenth-Century France," 522.

\(^{20}\) Ibid., 529.

\(^{21}\) W. Henley Jervis, *The Gallican Church - History of the Church of France*, II vols., vol. I (London: John Murray, 1872), 271; The Sorbonne is the main bulwark of the Gallican Church, and of its ancient liberties; if the Jesuits could destroy it, they would no longer have any reason to fear the condemnation of their books and their doctrine. Their doctrine is most dangerous and execrable; according to them the Pope is absolute, not only in the government of the Church, but even in secular concerns; and kings who refuse to submit to his supremacy are so many tyrants whom God requires to be exterminated;
strongholds of Gallicanism, were once again actively denouncing ultramontanism and its representatives in France. A new Gallican offensive, which reached its peak in 1611 with the publication of the “Handbook of Ecclesiastical and Political Power” by Edmond Richer, Syndic of the Sorbonne, and scored a major triumph in 1612 when the Parlement forced the Jesuit Order to subscribe to the Four Gallican Articles drawn up by the Sorbonne.

Seventeenth Century Gallicanism

The Gallican Church in the seventeenth century continued to have conflicts with the pope. When the regency government of Marie de Medici was constituted in 1610, the regent and her ministers immediately had to contend with four major problems: the unrest of the Protestants, the complexities of foreign relations, the revival of the controversy between the "national Church" Gallicans and the "international" ultramontanists, and the defense of their own position against the king's cousins, the princes de Conde and de Conti, and the Comte de Soissons.

The crown was never as strong during the regency as it had been under

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22 Ibid., 271; The four articles are listed by Jervis: A general council is superior to the pope; the pope has no jurisdiction over the temporal power of sovereigns and cannot deprive them of it by excommunication; a priest who becomes acquainted, through the confessional, with any attempt or conspiracy against the king or the state is bound to reveal it to the civil magistrate; and all ecclesiastics are subjects of the king and are answerable to the secular government.


Henry IV (1589 to 1610), but it was far stronger in 1614 than at any previous time since his death. Historian George Rothrock believed that the convocation of the Estates General was not a council of desperation forced upon a continually weakening government; it was a carefully considered move by the crown to checkmate the opposition. The crown's consent to the assembly was not merely a concession to the princes; rather, it was a calculated maneuver to resolve a part of the problem with which the government had to contend. The crisis of 1614 (nobles rebelled against the king) had a catalytic effect upon crown policy, but the policy itself, and the aspirations of the opposition, can only be understood in the perspective of the problems of the regency from 1610 to 1614.25 The clerical and lay deputies to the Estates General of 1614, working within limits established by their perceptions of themselves and each other, were -- far more than they realized -- changing the lives and minds of the French. The Catholic Reformation was underway, and France would never be the same.26

In many ways, the Estates General of 1615 and the Assembly of the Clergy of 1617 marked the high point both of erudite Gallicanism and of the clerical reaction to it. Having failed in their attempt to impose their own vision of a stable monarchy controlling ecclesiastical jurisdiction, and being faced with ever-more complete collapse of juristic influence within the corridors of royal power, erudite Gallicans, in fact, had nowhere much to go. Their anti-Jesuit polemics

25 Ibid., 296.
continued almost unabated, but those polemics were increasingly cultural rather than political in scope. Gradually, erudite Gallicans retreated from independent political action, looked to their own individual good, and often turned into royalist partisans or into Jansenists. This can be seen by 1625, when the Assembly of the Clergy rehashed the issues of 1614-1615 in an even messier version than before.

Louis XIV's Gallicanism

Over the course of the seventeenth century, the general common goals of bishops became a more completely elaborated program based on the internationally formulated precepts of the Council of Trent. The embryonic professionalism of sixteenth-century bishops was translated into a widespread attempt to create a professional corps of dignified, orthodox clergy. The plan was this: professional clerical corps would instill a pious regularity and uniform orthodoxy into an obedient laity. The inculcation of regularity and self-restraint had certainly reached a majority of the parish clergy by 1689. The struggles to make sacred the cemetery, to suppress or replace raucous festivities, and to ensure pious attention to religious duties indicated that the attempts to transform parishioners were well underway in a more uniform and widespread manner than had been the case in the sixteenth century. Rothrock states that it could even be argued that in many ways the Church was becoming a modern institution.

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27 See Appendix 5 for a definition
conducting a modernization movement. The Gallicanism of the French clergy and the Regale policy of Louis XIV were issues so outstanding in the affairs of ecclesiastical government that they appear to have generated more protracted strife between the French court and the papacy than did all the other controversies of the time. These disputatious episodes involving Church and State directly affected relationships between Innocent XI and the King. Raymond Maras believes that the revocation of the Edict of Nantes (1685) was more important for France than for the Church. For France, there were no longer the two religious systems. Many of the Huguenots in France fled the impending persecution. Gallicanism provided much of the climate of opinion for the struggle of the “right of Regale” as well as for the revocation of 1685.

Since Louis XIV (1661-1715) inherited the French throne in the classic age of absolutism, it should not seem strange that he wanted to make use of the Gallican Church as an instrument of his political goals. Two years after Louis XIV’s accession to personal rule (1661), the Sorbonne’s Faculty of Theology set forth the position of royal sovereignty in Six Article of May 4, 1663. In the Age of

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29 George A. Rothrock, “Officials and King’s Men: A Note on the Possibilities of Royal Control in the Estates General,” *French Historical Studies* 2, no. 4 (1962): 145. The reforms were put into practice by at least 350 French bishops, aided by their delegates and many other pastoral visitors. A significant percentage of the most active reformers came from an administrative background and was from newer noble families that had degrees in theology.


Reason (Age of Enlightenment, 1620-1770), a vigorous trend was arising in which rights were to be spelled out in an attempt to limit absolutism and clarify the relationship between the state and the individual, and between freedom and authority. The government felt cheated by the six articles because the king's prerogatives vis-a-vis the pope were not clearly defined. The French episcopate under Louis XIV was shaped in subtle and numerous ways by gradually replacing the bishops with people of the French kings' point of view. The evidence for this is much easier to recognize if we think in terms of the successive cohorts of new entrants to the bench rather than of the episcopate as a single, immobile aggregate during the half century after 1661.

The muzzling of the Paris faculty by Louis XIV's reign already helped to weaken a doctrinal authority to which bishops themselves had readily deferred a century earlier. It seems paradoxical that bishops who were themselves increasingly graduates of that faculty should also be intent on reducing it from a body enjoying a distinctive and long-standing *magisterium* in its own right to a purely consultative convenience. The paradox is apparent; the doctrine had to be made subservient to Louis XIV.

Dealing with these issues mentioned above, leads us in the direction of

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32 Ibid., 108-9.


34 Ibid., 349.
Gallican ecclesiology. The successive affairs in which the French clergy had been involved since at least the Estates General of 1614, with its attempts to define a fundamental law of royal sovereignty had, despite continuing differences between Gallicans and Ultramontanes, sharpened ideas about the role of the episcopate within the Church. The Gallicans were conciliarists and the Ultramontanes were papal supremacists. The principle forum for such reflection was the regular assemblies of clergy, but the wider context in which these ideas were formulated was political, since they would typically involve rebutting accusations or claims by bodies like the Parlement, not forgetting the claims of papal power that were never far away either.\(^\text{35}\)

Louis XIV called an extraordinary meeting of the Assembly of Clergy in 1681, carefully choosing the delegates and then pushing the assembly prelates to proclaim the so-called Four Gallican Articles of 1682, which they did. In effect, the articles stated that popes had no temporal power over French kings and were subject to general councils and, therefore, were fallible, while the French Church retained all its customary rights and privileges.\(^\text{36}\) The last of the Gallican Articles of 1682, which subordinated papal authority to a general council of the Church, was an affirmation of episcopal authority, which only the French episcopate was capable of making in later seventeenth-century Europe. The text reads like a historical fossil from the conciliar era, but its reiteration in 1682 was not an

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\(^{35}\) Ibid.

\(^{36}\) Hayden and Greenshields, ”The Clergy of Early Seventeenth-Century France: Self-Perception and Society's Perception,” 149.
expression of pure nostalgia or defensiveness.\textsuperscript{37}

Pope Innocent XI (1676-89) retaliated in response to these Gallican Articles by refusing to grant papal provision to anyone who had signed the 1682 articles. Louis XIV responded by stating that no French nominees would be put forward until Innocent XI’s policy was revoked. Since neither side was willing to back down, no new bishops could be consecrated nor could any transfers between diocese take place. Between 1682 and 1693, Louis XIV nominated fifty-two men for forty-eight of the 133 French diocese.\textsuperscript{38} Within a year of his election, Innocent XI was voicing his own disapproval of what he regarded as unacceptable practices in France: the unnecessary transfers of bishops; the nomination of underage clerics to abbeys and priories; the granting of pensions of bishoprics to third parties; the accumulation of too many benefices by individuals and by bishops in particular; and the granting of co-adjutorships to blood relatives of reigning bishops.\textsuperscript{39} Innocent XI stopped short of a full-blown censure of the Four Articles and left the door at least partially open for further negotiations.\textsuperscript{40}

Mixed in with the French national feeling, the problem of the French King’s “right of Regale” confronted Innocent XI throughout his pontificate. Louis XIV, in

\textsuperscript{37} Bergin, \textit{Crown, Church and Episcopate under Louis XIV}: 350.

\textsuperscript{38} Hayden and Greenshields, “The Clergy of Early Seventeenth-Century France: Self-Perception and Society’s Perception,” 149.

\textsuperscript{39} Bergin, \textit{Crown, Church and Episcopate under Louis XIV}, 228.

\textsuperscript{40} Ibid., 235.
order to counter papal alliances with Spain, encroached upon the pope’s spiritual authorities, as in the “right of Regale.” As French military victories brought fresh territorial acquisitions, Louis XIV extended the Regale over Churches and provinces not previously subject to him. He also subjected to state supervision all funds remitted to Rome. The papacy’s position on the right of Regale ran counter to the king’s declarations of the 1670s. According to the papacy’s view of the second Council of Lyons (1274), the papacy had tolerated the king’s right of temporary Regale. However, it expressly forbade under penalty of excommunication, the extension of those rights to bishoprics, which had not previously existed. Acting in accord with the Paris Parlement, Louis XIV defied Church law in his declarations of February 10, 1673, and April 2, 1675, which extended the Regale to all lands including the newly added provinces subject to the French crown. The role of the crown was central to the evolution of the episcopate under Louis XIV. Its responsiveness to the changes within the ecclesiastical circles from which bishops were drawn in turn enabled the episcopate to continue to reflect that wider world.

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41 Ranke, History of the Popes, 2: 417-8.
43 This Council would be concerned with the still unsolved question of the Greek schism, finally stabilized under Michael Cerularius. in John L. Murphy, *The General Councils of the Church* (Milwaukee: The Bruce Publishing Company, 1960), 120.
45 Bergin, *Crown, Church and Episcopate under Louis XIV*: 343.
De Luca and Gallicanism

To help strengthen Innocent XI in his arguments against Gallicanism, he asked Giovanni Battista de Luca to write on the question of *Regale* and to refute the arguments advocated by the Assembly of the Gallican Clergy, especially by its two main leaders, the Archbishop of Reims and the Archbishop of Meaux, the famous Benigno Bossuet.46 Did de Luca ever write on the issue of Gallicanism as the pope asked? De Luca's contemporaries thought he had not wanted to write on Gallicanism because he had Gallican inclinations; so, they thought, he never wrote on this, refusing the pope' wishes. This question was not answered correctly until Andrea Zanotti, a modern historian, found in the Vatican Archives a misplaced Gallican document, the “*Scrittura,*” written by de Luca.

By examining this newly found document, de Luca's position on Gallicanism can be ascertained.47 Zanotti explained that determining the Gallican position of De Luca was extremely difficult because nothing, or almost nothing, written by de Luca on this subject could be found in the Vatican Archives, State Archives of Naples, State Archives of Rome, or in the ecclesiastical archives of the Diocese of Pozzuoli and of Venosa. However, among the Latin Codices of the Vatican Library, Zanotti was able to find this unpublished work of de Luca -- an unfinished essay on the question of *Regale.* The work on *Regale* titled,

"*Scrittura del Cardinal De Luca data agli Cardinali della Congregazione sopra la*


47 Ibid.
Regale pretesa del Re Christianissimo," is an entire exposition on the issue of Regale.48

Zanotti informs the reader that when de Luca wrote on Gallicanism, he was in extreme old age. He was already a prince of the Church and advisor, listened to and respected by the pope. The false accusation that de Luca refused to write about Gallicanism, caused de Luca to fall into misfortune.49 De Luca did write about Gallicanism and he supported some independence of the Gallican church based on feudal law.

De Luca was not a Gallican. Gallicanism is a state of mind that is manifested in a variety of attitudes, occasionally different because its followers are ecclesiastical or secular. Nevertheless, Gallicanism seeks to reclaim the privileges and the French Churches the exemptions negotiated with Rome.50 Gallicanism could not have become the legacy of de Luca’s ideology because de Luca had a different cultural foundation. The principles contained in the "declaratio cleri gallicani" of 1682.51 were foreign to him. De Luca could well have

48 Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera del Cardinal Giovanni Battista De Luca, 125-6.
49 Ibid., 6.
50 Ibid.
51 The principles incorporated in four articles by Bossuet in the Gallican Declaratio Cleri (1682), approved by Louis XIV and were: the independence of princes and kings by the Pope in temporal matters, the binding and unassailable rules, customs and institutions of the kingdom of France, the prevalence of the ecumenical councils the authority of the Apostolic See. 1. St. Peter and his successors, vicars of Christ, and likewise the Church itself, have received from God power in things spiritual and pertaining to salvation, but not in things temporal and civil. 2. The plenitude of power in things spiritual, which resides in the Apostolic See and the successors of St. Peter, is such that at the same time the decrees of the ecumenical Council of Constance, in its fourth and fifth sessions, approved as they are by the Holy See and the practice of the whole
been influenced by his familiarity with the Kingdom of Naples; however, in no sense would he share the national aspirations of the clergy of France. It appears bizarre, the thesis of the accession of de Luca into Gallicanism: it would have cleansed him of his most striking nationalistic identity as an Italian.52

The “Scrittura” is part of the most elusive phase of the story of Regale in France. The rediscovery of "Scrittura" also allows us to reconstruct with accuracy the position of de Luca on the particular theme of Regale and on the more general theme of the relations between the Church and the State.53

The traditional opinion about de Luca postulated that he was fascinated by the theological opinions of the Archbishop of Meaux, Benigno Bossuet. If de Luca had great admiration for the realism and the will of conciliation of Bossuet, this would be contrary to de Luca’s experiences. As an Italian jurist, he was firmly rooted in an ancient Italian tradition. He had studied and had not forgotten the

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52 Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell’opera del Cardinal Giovanni Battista De Luca: 125.

53 Ibid.
ancient provision "De Regalibus" enacted in the Diet of Roncaglia\textsuperscript{54} and reported in the \emph{Libri Feudorum}; nor could he forget that, in the preparatory acts of Roncaglia, one of the four Bolognese lawyers, Martino, had argued that the \textit{dominium} of the Emperor of the world was conceived as property. De Luca had briefly discussed a symbolic treatment of \textit{Regale} in the initial part of his major work, the \emph{Theatrum Veritatis et Justitiae}.\textsuperscript{55} Thus, the argument that he had borrowed anything from Gallicanism was incorrect.

The question of \textit{Regale} is particularly important in France between November 1681 and February 1682; these are the years that de Luca surely started writing the "\textit{Scrittura}.” In the “\textit{Scrittura},” de Luca attempted to reach a solution on the Gallican problem. He steeped his opinion in moderation and balance, because of the respect he had for the theory of ecclesiastical Gallicanism of Bossuet and for the Jansenist, Arnauld. De Luca did not have any reason to support extensive rights for the French King. De Luca never approached the legalistic argument that linked the alleged rights of the king to

\textsuperscript{54} In the Diet of Roncaglia in 1158, for three days, the Emperor took counsel and deliberated only with the bishops and a few princes. The Emperor presided and was assisted by four Bolognese doctors as associate judges. The members of the Diet unanimously adjudged to the emperor his \textit{Regalia} and his right to approve the election of the city magistrates. Finally, Frederick promulgated his \textit{leges de iure feudorum, habito consilo} of the bishops and magnates and judge paltine. Thus, the Diet of Roncaglia was a great meeting of the imperial \textit{curia} in its three aspects of the great council, parliament, and high court of the Italian kingdoms. Gaines Post, "Roman Law and Early Representation in Spain and Italy, 1150-1250," \textit{Speculum} 18, no. 2 (1943): 226.

\textsuperscript{55} Zanotti, \emph{Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera del Cardinal Giovanni Battista De Luca}: 125-27.
rotondita (fullness, strength, or robustness) of the crown. \(^{56}\)

Caesar d' Estrées, the French Cardinal, and Diroys, a theologian on the staff of the Cardinal, wanted to find a legal basis for Regale, based on a declaration of the Council of Leptines (743) \(^{57}\) or on the old Law of Investiture. \(^{58}\) Bossuet \(^{59}\) replied with firmness, distinguishing between genuine rights and "usurpation" that wants to pass for law. \(^{60}\) De Luca argued against these positions using his genius, with the light of theology and ecclesiastical tradition.

De Luca rejected the idea that one has to seek the historical roots and the titles of the legitimacy of Regale interwoven within the maze of the feudal law. The clergy must avoid entering into the legal issue because this would cause the writing of volumes to say all that they believe in this regard, by one party or the

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\(^{56}\) Ibid., 127-8.

\(^{57}\) Pope Zachary, April 1, 742, confirmed the erection of the diocese, sanctioned the holding of the synod, and gave the requested information. The synod, partly ecclesiastical and partly secular, was held April 21, 742, but the place cannot be ascertained. The bishops appointed by Boniface were present and several others, but it was mainly the authority of Boniface and the power of Carloman that, gave weight to the first German synod. Among its decrees the most noteworthy are those ordaining the subjection of the clergy to the bishop of the diocese, and forbidding them to take any active part, in wars, to carry arms, or to hunt. Thomas Oestreich, "Boniface," in The Catholic Encyclopedia : An international work of reference on the constitution, doctrine, and history of the Catholic Church, ed. Charles George Herbermann (New York: The Universal Knowledge Foudation, 1913), 656-59.

\(^{58}\) The Investiture Controversy was the most significant conflict between Church and state in medieval Europe. In the eleventh and twelfth centuries, a series of Popes challenged the authority of European monarchies over control of appointments, or investitures, of Church officials such as bishops and abbots. Although the principal conflict began in 1075 between Pope Gregory VII and Henry IV, Holy Roman Emperor, a brief but significant struggle over investiture also occurred between Henry I of England and the papacy of Paschal II in the years 1103 to 1107. This issue played a minor role in the struggles between Church and state in France as well. The Concordat of Worms finally resolved the entire controversy in 1122.

\(^{59}\) Bossuet was not a strong supporter of the Four Gallican Articles written under Louis XIV.

\(^{60}\) Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera del Cardinal Giovanni Battista De Luca: 128.
For de Luca, the question of Regale is practical and revolves around a pastoral attitude of the clergy that, for the love of peace, one must freely be allowed to give into the claims of the king. Practical reasons and necessities had to be taken into account because the Church existed in the real world. Accordingly to de Luca, the thesis of the extreme defenders of the rights and freedoms of the Church, either Pope Innocent XI or the Jansenist Arnauld, has no real basis. De Luca viewed this argument from a more centrist position. He thought that it was unnecessary and excessive, in fact, to use the extreme example of the martyrdom suffered by St. Thomas of Canterbury in the argument. 62

In essence, for Bossuet the problem was that of trying to find moderation, "not getting too extreme." The middle solution proposed by Bossuet will end up to prevail in the Assembly of the Gallican Clergy and to be then transferred in an edict that will be recorded by the Parlement of Paris on January 24, 1682. The pope forwards his correspondence relating to an uncertain Congregazione della Regale. In this context, it fits the "Scriptures" of de Luca, intended as specified in the same title, to the Cardinals of the Congregation.63

61 Ibid.


63 Ibid., 128-29.
In order to find the origin of Regale, the older French views should be examined. Indeed, many current opinions on Gallicanism are classified among the fairy tales and the chimeras -- for example, that it derives from a precept of sacred pages of the Old Testament; that it is caused by a concession of the Bituricense Council (1031) (Bourges) and of the Aurelianense Council (541) (Orleans);\(^64\) that it would come from the right of patronage; or that it would come from the right of protection or from the words of the General Council of Lyon.\(^65\)

The arguments by de Luca, assailing Gallicanism’s ecclesiastical roots and attacking these prophetic messages and chimeras, are well written; and especially, the views, which insists on the rotondità of the crown; they are worthy of derision.\(^66\)

After de Luca studied the history of Regale, he wrote that the origin of the right of Regale is an all-historic origin and is based on constructive law. De Luca contends that the most likely explanation of the origin and reason for Regale seems to be that it rose when the people of France, after having expelled the Roman Lords and having employed military forces in some provinces or regions of Gaul under the guidance of its head, the first King Pharamond of the Franks (410-426), obtained the domain that derives from the right of war. Thus, it began

\(^64\) Bituricense Council (Bourges) (1031) and of the Aurelianense Council (Orleans) (541).

\(^65\) Scrittura; The Council of Lyon stands as a witness to the strength of the Pope in resisting the power of temporal rulers who would challenge the spiritual rule of the Church. In Murphy, The General Councils of the Church: 115.

\(^66\) Scrittura; Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell’opera del Cardinal Giovanni Battista De Luca: 129.
to be the custom that this right was not only jurisdictional and territorial, as is the domain of kings and principals, but he had full rights and ownership over everything. These consist of the jurisdictional rights but also military rights over the cities, fortresses, villas, and of the citadels, whether in the fields or in the forest. More specifically for de Luca, the significance of legitimization of *Regale* is to place it, in contrast to the alleged Bossuet position, in feudal law.

The consequence of the Franks establishing a jurisdictional military presence was that the bishops became vassals of the king; this introduced the custom that bishops as vassals comply with the laws and feudal customs. The new bishops received investiture of their Churches and took oaths of fidelity from the king just like any other feudal lord or baron.

There are, then, those situations where the Churches were linked to a fief. Feudal law is certainly applicable to this situation. One of the principles of feudal law is that when the feudatory dies, the incomes of that year are due to the king. From this death arises the right of *Regale* -- that the king exercises the right as long as there is a vacancy. It appears evident that the justification that de Luca gives to *Regale* is in some way in a line of continuity with a general approach that emerged, according to tradition, since the feudal age.

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67 *Scrittura*; ibid., 130.


69 *Scrittura*.

De Luca did not completely accept the Gallican agreement that the 
*Regale*, the king's privileges over the Church, encompassed legitimate ways that 
the Church made concessions to the king because the Church was also part of 
the real world, part of a feudal system, and part of the Kingdom of France. De 
Luca believed this view had to be limited. De Luca believed that the amount the 
knight could collect in the name of *Regale* was strictly limited to those good and 
temporal rights that pertain to the fief. While certain rights do pertain to the fief 
and engender duties to the king, other rights are strictly spiritual and engender 
duties to the Church and the spiritual community.

De Luca believed secular authority would be exerting too much power in 
certain circumstances: the administration of the secular authority was exerting 
too much power when it intervened in those fruits and incomes that by nature are 
spiritual and episcopal, for example, the tithes; the spiritual first fruits; the 
offerings; the fourth or canonical portion. The situation that fit every possession 
of the cathedral and the other benefits not treated previously, also concerned de 
Luca; the right to confer ecclesiastical benefits was undoubtedly of a spiritual 
nature and competed with the bishop, on the issue of the prelature episcopal 
dignity.

These exceptions mentioned by de Luca are not as important in 
themselves, as are the line of background that they reveal. These lines consist in

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71 Scrittura.

the vigorous reaffirmation of the distinction between the spiritual and the
temporal. The *Regale* had a foundation in feudal law and as such must be
recognized as secular, by way of legitimate institution, by the Church. De Luca’s
foundation, however, marks familiar limits: the bishops cannot demand, without
feudal prerogative, the obligations related to the sovereign, the king may not, in
turn, intrude in the context of spiritual jurisdiction, without committing an abuse of
power. De Luca’s position has legal tradition dating back centuries: G. P.
Bognetti comments that “already in the preliminary acts agreed upon between
the pontiff and emperor, in 1111, as then in the agreement of Worms, of 1122, a
distinction of *Regale* (i.e. those temporal rights of bishops who were of their
natural state) by their powers and goods, giving them different regulation.” 73

To this tradition, de Luca gives an explicit historical context, when he
points to the investiture contest, drawing one conclusion of his speech from a
letter of the Emperor Frederick I (1155-1190) to Pope Adrian IV (1154-1159), in
which solemnly it reiterates the need for "making to God the things of God and to
Caesar the things of Caesar.” 74

De Luca held the office (*l'ufficio di auditor Sanctissimi*), and because of
that, he was first a lawyer and could not resolve cases by using nostalgia; he had
to use legal guidelines. Nevertheless, the fact that de Luca had completed his

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73 G. P. Bognetti, “Regalia,” in *Enciclopedia Italiana.* (Milano, 1933). Scrittura; Zanotti,
* Cultura giuridica del seicento e jus publicum ecclesiasticum nell' opera del Cardinal Giovanni
Battista De Luca;* 132.

74 Scrittura.
university apprenticeship and forensic training in the Kingdom of the Two Sicilies, cannot be overlooked. Therefore, de Luca could not escape the fact that the ecclesiastical law of the Kingdom of Sicily had special connotations; it was steeped in Regalism. In fact, de Luca repeatedly cited the experience of the Kingdom of Sicily in the "Scrittura." The reference was first done in a general manner, without distinguishing between Naples and Sicily.75

Regalism appears a feature common to the ecclesiastical policies followed by the sovereigns in both territories. What appeals most to de Luca is that the sovereign, in "practice," exercises the right of collation: these last kings, or respectively the viceroy, confer many “Canonicati, prebends, and bishoprics -- even more -- of cathedrals and the collegiate and other benefits of lower Churches: and this is direct and immediate, without any provision by the Apostolic See or of the Bishop."76 However, de Luca was aware that a more interesting situation was the case in the monarchy of Sicily in which a Bull of Urban II in 1098 that was confirmed by Pasquale II in 1117, gave the King of Sicily the ability to exercise the l'Apostolica Legazia.77 This apparently even gave the Kings of Sicily all the rights of ecclesiastic jurisdiction in Sicily.78

75 Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell’ opera del Cardinal Giovanni Battista De Luca: 133-34.
76 Scrittura.
77 The 'Apostolic Legaz of Sicily was a religious and political institution created by Pope Urban II when the island was subtracted from the Normans to the Arabs, first as a separate legal entity, then as Regalia of the King of Sicily. In Scrittura.
78 Scrittura; Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell’ opera del Cardinal Giovanni Battista De Luca: 133-34.
This reference is quite timely, even though it specifically pertains to the territories of the Kingdom of Sicily. De Luca wrote that exemptions concerning goods, incomes, and expenses, were authorized as peace terms to the king. These things are in no way relevant to ecclesiastical power. These issues of *Regale* addressed mainly tax disputes in relation to *annona* and the other charges relating to the city and fortresses owned by clergymen and the Kingdom of the two Sicilies. In Sicily, although the exemptions had been made in ancient times, the king required new services and charges at will this started disputes concerning jurisdiction, which fell to the king and his court, the *Regia Camera.*\(^7^9\)

Here the reference to that type of situation that some years later would have given rise to famous *liparitana* controversy is transparent and refers necessarily to the peculiarities of Sicilian Church law.\(^8^0\)

De Luca was writing about one of the most heated political-religious polemics of his time. He showed an absolute originality in the panorama of contemporary canonical culture. There is no doubt that he, unlike Bossuet, intervened in this disagreement as a lawyer. However, while in this particular matter, he expressed his methodological slant, that is "of a new legal science, a baroque legal science." This science stayed in the present with its thinking, using data from his experience in place of that from abstract paradigms of reason. De Luca does not grasp the solution in advance, nor does he move abstractly to an

\(^{79}\) *Scrittura.*

\(^{80}\) *Scrittura; Zanotti, Cultura giuridica del seicento e jus publicum ecclesiasticum nell’ opera del Cardinal Giovanni Battista De Luca:* 133.
ethic of the relationship between Church and State, as does Bellarmino. De Luca merely stated that there are situations of fact, varied and disparate, which are attributed to the king’s right of Regale. De Luca knew that he needed to take a clear and firm position, using legal reasons to answer the Regale question that Innocent XI had asked him to examine. De Luca accomplished this task: at the cost of his relationship to Innocent XI, the man who had elevated him to Cardinalate.81 De Luca died within a few months of his writing the Scrittura; fate never allowed him to explain, in detail, the reasons for his position.

De Luca's passion, fairness, and knowledge of the subject, on which he writes, shows itself when he writes on Gallicanism. He uses the same attributes when he takes on the task of reforming the seventeenth-century Church. As has been stated earlier, the main reform was the Church finances; especially on the money expended on nepotism. The Council of Trent attempted to limit the amount of money the pope could give to his relatives, however some of the post Tridentine popes did not embrace these reforms. Innocent XI's need to replenish the Church treasury was of primary importance. Without money, Innocent XI would not be able to implement his program to restore the prestige of the Church.

81 Scrittura; ibid., 134-35.
The income and the expenses of the Church fluctuate, at times creating a financial surplus, while at other times creating a dearth. When the expenses exceed the income, especially for extended periods, any financial reserves will be extinguished and no money will be available to meet Church needs. Innocent XI’s papacy started in a period of dearth with financial reserves having been extinguished. He needed to find immediate ways to slash expenses and maximize revenues. With the assistance of his advisor, Giovanni Battista de Luca, Innocent XI started this process.

By studying the expenses and incomes of the Church between the fifteenth and seventeenth centuries, a pattern emerges; papal relatives usually were enriched, despite the financial condition that faced the Church. Various methods to fund the debt were attempted by the Church. The selling of church offices and selling of bonds created short-term gains but transferred the debt to the future. Interest had to be paid on the monte (funded debt) and the sold offices usually came with some payment to the holder. The finances of the Church proved difficult to solve because of the sheer number of people involved and the

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1 The patchy knowledge of papal financial policy is typical. The situation for the Middle Ages is better than for the periods that follow. In: Peter Partner, “Papal Financial Policy in the Renaissance and Counter-Reformation,” Past and Present 88 (1980), 18.
size of the physical Church.

Peter Partner informs us that the practical consequence of papalism was a network of courts and offices that were costly and numerous by sixteenth-century standards. The center of the web was the great papal “family” of seven hundred or so persons in the Vatican Palace, though other offices, such as the chancery and the penitentiary, were outside the Vatican; the papal bureau as a whole cannot have employed fewer than a thousand persons.²

The papal bureau was the heart of the Roman clerical establishment. Between twenty-five and thirty resident Cardinals, each with an average “family” of a hundred and fifty persons, and a minimum income requirement of 6,000 ducats annually, were a part of the historic Roman Church. The upkeep of the church buildings in Rome was a major expense, including the titular churches of the Cardinals, the great Roman Basilicas, including St. Peter’s and St. John Lateran’s, the monasteries, 130 parish churches, and upwards of 200 other churches. The running of the hospitals and asylums, whose history went back collectively, though not individually, to the Roman Church of the late empire required funds. Partner indicated that the number of secular priests and the religious of both sexes in 1609 was over 6,000 out of a total Roman population of 100,000; Partner added that at the beginning of the sixteenth century, when the population of Rome was around 50,000, the total of priests was unlikely to have

The main problem of papal financial policy from the Renaissance onward was the debt. The history of papal loans and papal credit is far from simple. In the late thirteenth century, the wars of the Sicilian Vespers (a Sicilian rebellion in 1282 against the rule of the French King, Charles I) created some very substantial short-term debts between the pope and the merchant bankers. When the papacy was first in Avignon, on the contrary, in spite of having to pay for one of the greatest wars in papal history, John XXII (1317-34) hardly needed recourse to any kind of borrowing. Not until the end of this era, in the early 1370s, did the popes begin to borrow on any scale; credit operations had played no real part in the finance of the popes in Avignon except in so far as they concerned the transfer of funds. From 1378 onwards, the Great Schism produced a very different situation, one in which both the Avignon and the Roman obedience were constantly embarrassed for ready cash. These popes borrowed from merchant bankers, from their own clerical and lay courtiers, and from princes. They pledged jewels, melted down treasure and sold Church estates, whether or not these belonged to the Roman See, and even villages or

3 Ibid., 48.

4 Delumeau thought that the Holy See was richer at the time of Avignon than at the end of the fifteenth century. Jean Delumeau, *Vie economique et sociale de Rome dans la seconde moitié du XVI siècle*, II vols., vol. II (Paris: E. de Boccard, 1959), 756; Renouard wrote that average incomes were as follows: 804 kgs d’or fin (fine gold) under John XXII and 1,764 kgs d’or fin under Georgory XI. The annual revenues of 1480-81 and 1484 were 818 and 995 kgs d’or fin. Y. Renouard, *Les relations des papes d’Avignon et des compagnies commerciales et bancaires de 1316 à 1378* (Paris: E. de Boccard, 1941), 36-7.
towns in the Papal State.\textsuperscript{5} 

The growing political strength of the nation-states had already begun to affect the papal finances in the fifteenth century. These nation-states became increasingly reluctant to send money to Rome, and the papacy's income from these sources was therefore reduced. The papacy used various methods to obtain money, one of the most often practiced being the recourse to loans. Midterm loans, which were generally guaranteed by smaller or larger groups of bankers, could be taken out for a single project; long-term loans, on the other hand, could be attained through the sale of so-called venal offices, and from 1526, through the institution of the \textit{monte} (funded debt).\textsuperscript{6} By the second quarter of the sixteenth century, Clement VII (1523-1534) was facing serious financial difficulties, and his reaction was to increase taxes and to institute a public debt, the \textit{Monte della Fede}. The Church also sold more or less honorary offices, from the sales of which the Papal State obtained a large sum in a single payment, but on which it had to pay interest.\textsuperscript{7}

\textbf{The Monte and Venal Offices}

Over time, the Apostolic Chamber’s need for money to cover its ordinary expenditures grew disproportionately (from 5,700 \textit{scudi} per month in 1545 to

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\textsuperscript{5} Partner, \textit{Renaissance Rome - 1500-1559}, 20.

\textsuperscript{6} The \textit{monte} was instituted in the city-states. In Florence the monte was over spent. For more information on the finances of Florence, see Anthony Molho. \textit{Florentine Public Finances in the Early Renaissance}, 1400-1433. Cambridge: Harvard University Press, 1971.

16,000 in 1554), while at the same time, the assignments on which the depositary\(^8\) could recover money grew increasingly vague and uncertain, with the consequence being that the latter accumulated vast amounts of debt. In partial compensation, the Apostolic Chamber either bestowed on the depositary new sources of income or requested that other bankers pay certain sums. Although this obviously did nothing to change the amount of money the camera owed, these actions did make it possible for the camera to postpone its repayments.\(^9\)

From the Middle Ages, the more advanced cities of central and northern Italy had begun to institute the *monte*,\(^10\) the debt mountain, in order to acquire the money necessary to meet their expenses. While the *monte* were usually funded through the levying of forced loans, voluntary loan programs were also relatively successful, obviously paying higher interest rates. The latter carried out a redistribution of resources from the poor towards the rich. In order to pay the interest for those who speculated on the public debt, the taxes,\(^11\) especially the

\(^8\) For each *monte* there was a "depositary," a banker chosen by those who controlled the *monte*. Delumeau, *Vie economique et scolaie de Rome dans la seconde moitie du XVI siecle*, 789.


\(^10\) It was probably in Florence that the Popes had taken the name and formula for the *monte*. Delumeau, *Vie economique et scolaie de Rome dans la seconde moitie du XVI siecle*, 783.

\(^11\) The first tax was a fortieth imposed in 1199. Its collection was placed in the hand of the local bishops, who delivered the proceeds to local crusades, or forwarded them to the Holy Land as opportunity offered. In 1228, when Gregory IX ordered the clergy of several countries to pay a tenth to support the cost of papal war with Frederick II, papal agents who appointed their own deputy collectors collected it. Since the proceeds were payable to the Pope, there can be little doubt that the principal collectors accounted to the camera. Through its control of the collectors of income taxes, the camera, which previously had dealt with few taxpayers outside the State of the Church, came to exercise authority over all clerks who owed obedience to the
indirect taxes, were enforced more rigorously; thus the hardest hit were the least well-to-do classes. In the sixteenth century, the European monarchies found that they were able to gather enormous sums by placing bonds of the public debt directly on the market. Their success was, at least in part, due to the support of the consortia of bankers that managed these affairs for them.\(^\text{12}\)

Against a background that already included normal loans, with interest in the sale of offices that provided income for at least the owner's lifetime if not beyond, the *Bull Romanum Pontificem of November 15, 1526*, instituted the *Monte della Fede*. This was the first true papal funded debt, created on the model that already existed for some time in many Italian cities. The threat Vienna was facing from the Turks and the need to aid Charles V in their defeat gave this *monte* the name “*della Fede,*” of the faith. Adding “faith” to the name, helped in acquiring funds for the war. Before the *Monte* was instituted, in order to procure the money necessary for the war against the infidels, the popes had used the tithes, the proceeds from the sale of towns or castles belonging to the Papal State, and the sale of venal offices (offices set up to be sold despite the prohibition against simony). Between 1526 and the end of the century, the Apostolic Chamber instituted approximately forty *monti*. This system relied on the collaboration of groups of bankers; the latter purchased the bonds from the

Apostolic Chamber, and then more often than not, placed them on the market, obtaining a commission equal to at least one percent. The treasury was then forever saddled with the carrying charges on the debt and the need to distribute a certain income to *monte* shareholders.

There existed two types of papal *monte*: *non vacabili*, the bonds of which could be passed between living persons or via hereditary succession; and *vacabili*, which in contrast conferred rights on the shareholder (*montista*) that were only valid until his death, when the bonds returned to the possession of the Apostolic Chamber. The initial fund of the *Monte della Fede* (*non vacabili*) was 200,000 gold *ducats* (2,000 bonds of 100 *ducats* each) with interests of 10 percent (20,000 per annum) to be paid from the revenues of the customs of Merci or St. Eustace. The *monte*, in general, could in time be modified, extinguished, or reconstituted: to the 200,000 gold *ducats* of the first *Monte della Fede* were added 120,000 relative to the first increase, which took place in February 1541, and 160,000, finally after the second increase of December 1542; this brought the total to 480,000 *ducats*.

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14 Bruscoli, *Papal Banking in Renaissance Rome - Benvenuto Olivieri and Paul III, 1534-1549*, 104-5; In 1600, the “non-vacable” *monte* gave an interest of 6% on average where the “vacable” *monte* gave around 10%. Delumeau, *Vie economique et scoiale de Rome dans la seconde moitie du XVI siecle*, 786.

15 In 1542, Paul III reduced the rate of interest to 71/2%. Delumeau, *Vie economique et scoiale de Rome dans la seconde moitie du XVI siecle*, 792.

Every *monte* had a *depositary*, who after the mid-sixteenth century was often the same person who bought bonds in blocks to place them on the market, and a Patron Cardinal, who acted as an intermediary between the apostolic authority and the shareholders. The role of the *depositary* of a single *monte*, while not bestowing great prestige, was nevertheless a sought-after post because of the flow of money that passed through the hands as well as the possibility of creating relationships with private investors.\(^{17}\)

The venal offices, the second source of revenue, were initiated by Boniface IX (1389-1404), whose financial difficulties caused him to invent several new methods of obtaining money; he appears to have been the first pope to sell offices. In December of 1505 the offices sold netted 20,250 ducats, and in April of 1506, 11,850 ducats. Under Leo X (1513-1521) the sale of offices provided nearly one-sixth of the ordinary income of the papal budget. The greater part of the receipts from the sale of offices did not go to the *camera*. After 1482, they went entirely to the *datary*, and before that time, a large part probably went to the privy purse. In return for payment of a capital sum, the office holders got nominal duties and a steady income.\(^{18}\)

Venal offices were offered for sale at varying prices, according to their prestige and the privileges that they carried with them. While they generally reverted to the *dataria* in the case of the death of the holder, they could be

\(^{17}\) Ibid., 105.

transferred to the holder's heirs. Over time, three types of offices evolved: prelatical, intermediate, and popular. Giovanni Battista de Luca was the first to use this classification system of offices.19

De Luca’s Classification of Venal Offices

The first office class, prelatical, was very restrictive. It consisted of approximately 1 percent of the most expensive offices, accessible only to those who were part of the curial hierarchy, where the purchaser used this as a first step on the way to becoming a Cardinal. This became a vicious cycle: on one hand, high prelates bought the offices in the hope of one day wearing a Cardinal’s hat; on the other, the pope created new Cardinals declaring that he wished to liberate (vacate) these posts that could then be put on sale, often at higher prices. The second type of offices, intermediate, around 15 percent, was less expensive. These offices had half-real and half-honorary functions (in these cases, the titleholder often used a proxy to fill some functions that he was to administer). There were about 600 offices of these two types by the end of the sixteenth century. The last, popular, and the largest number of offices, some 84 percent, or well over 3,000 by the end of the sixteenth century, could be purchased at the most reasonable price. These were purely nominal offices, which granted some privileges but remained outside the curial hierarchy.

Physically, the titles consisted of a nominal letter patent, which could easily be

19 G. B. de Luca, Tractus de officiis venalibus vacabilibus romanae curiae (Rome, 1682), ch. II.
sold to other people or left to the holders’ heirs. This third category included the colleges of “knights.”

Although the sale of the offices brought in fresh revenue, it was insufficient to cover the cost of the annuities, making it necessary to choose between either diminishing considerably the number of offices themselves, or increasing them in continuation to obtain, even if only temporarily, large sums; the latter was the most frequent choice. The need to sell an ever-increasing number of offices, moreover, meant that the Church gradually began to accept the *societates officiorum*, groups of people who united to buy a single office on which they had rights proportional to their contribution. This system, while it obviously gave rise to numerous speculations, also made it possible for the papacy to continue to resort to these forms of credit.

The venality of the offices developed during the course of the second half of the fifteenth century in order to sidestep the anti-usury provision that forbade interest rates on capital. However, while this method allowed the papacy to procure substantial and immediate incomes, at the same time it brought with it, as already mentioned, a heavy burden of interest to be paid in future years. The annuities of the offices, which around 1500 were approximately 12 percent, fell to

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21 Ibid., 97.
22 General complaints about the existence of this phenomenon were referred to the Council of Constance (1414-1418). This would date the origins to the years around 1400. Bruscoli 2007, 97n.
10 percent halfway through the century, and stabilized at 8 percent for all of the seventeenth century.\textsuperscript{23}

The purchase price of the offices required payment in gold while the annuities were paid in silver. The net loss of value of the latter with respect to the former, puts the real cost of the offices,\textsuperscript{24} for the papacy, at around 5 to 6 percent a year; this system developed mostly in the sixteenth century. In fact, only 300 offices were sold until 1471 (the beginning of the pontificate of Sixtus IV); however the number of offices had increased to 4,000 by 1590 (the end of the pontificate of Sixtus V). This increase was due in particular to Leo X (1513-20), who pressed for the growth in numbers. He founded more than 1,200 venal offices, allowing him to gather almost 900,000 \textit{ducats}, causing a huge increase in expenditure for interests. During his pontificate, the number reached 2,150 offices, with the annual interest costing approximately 320,000 \textit{ducats}.\textsuperscript{25}

From the beginning, the holders of these offices grouped themselves into large “colleges,” the first of which was instituted by Sixtus IV. Sixtus’ successor, Innocent VIII (1484-92), created the first completely honorary offices -- a necessary innovation because the number of offices with administrative functions

\textsuperscript{23} Bruscoli, 97.

\textsuperscript{24} The purchase price for a venal office was payable to the papal Dataria in gold. This fact alone, in a period of steady decline in the value of silver and relation to gold, made the system of venal offices favorable to the papal government as a borrower. Both the purchase price and the 10% charge on the vacation of an office were payable in gold, but the holders of the office, as a group, collected far more of their revenues in silver than in gold. Partner, \textit{Renaissance Rome - 1500-1559}, 23.

had already been inflated by his predecessor to produce greater funds. In this second phase single offices were no longer instituted, but were all grouped into colleges. This change provided further proof that these offices closely resembled bonds of the public debt.26

Those who held the administrative offices profited from the taxes the population paid for the services they offered; the holders of the honorary offices profited instead from the interest paid from assignments on the other incomes. “Between 1531 and 1541, for example, the contract-holder of the Tolfa alum mines27 had to make an annual payment of 7,920 ducats di giuli to the Knights of St. Peter; between 1553 and 1565 this figure had increased to 9,440 scudi per annum.”28

In 1525, there were about 2,300 offices, valued at 2.5 million gold scudi; in 1599, there were about 2,900 offices valued at about 3.8 million gold scudi.29 The valuations given are those of the papal dataria, which may have overestimated

26 Ibid., 98.

27 Alum represented the most lucrative product in the early modern papacy. Its exploitation was farmed out to entrepreneurs. The century 1550-1560 was the most productive period at Tolfa; revenues from exports helped to maintain the financial health of the Papal States, transforming in the process the face of Rome, as Popes and Cardinals added churches, palaces, bridges, and roads to make the city into the capital of the Catholic world. R. Po-Chia Hsia, The World of Catholic Renewal, 1540-1770, 2 ed. (Cambridge: Cambridge University Press, 2007), 105-6.


29 Von Dollinger thought that in the year 1470 there were already 650 purchasable offices. Sixtus IV created a whole College merely to sell the places. There were under Paul IV as many as 3,500 such places. Johann Joseph Ignaz von Döllinger, The Papacy and the Temporal Power, trans. William Bernard Mac Cabe (London Hurst and Blackett, 1862), 364.
the real market value of the offices. Nevertheless, the trend of the market seems clear enough: borrowing in gold to pay back in silver was even more advantageous to the popes in the second half of the century, when the value of silver in relation to gold was falling fast. By 1619, the offices were an even more economical way of papal borrowing. The effective rate of interest paid on the offices by the papacy early in the sixteenth century was about 5.8 percent. At the end of the century, it was below 6 percent, and by 1619, it had decreased to 4.8 percent.\(^{30}\)

However, the venal offices failed to solve the problems of papal liquidity. The pope who multiplied the venal offices more than any other, Leo X, died in 1521, leaving the Holy See encumbered by short-term debt obligations in addition to the new burden on the venal offices.\(^{31}\)

In the 1540s, the income derived from the customs of Rome served for the most part to pay the interest on the public debt. A large amount (24,000 *scudi di moneta* per annum, which then increased to 36,000), was destined for the stockholders of the *Monte della Fede*, while another considerable portion was allotted to the Knights of St. Paul (14,600 *scudi* per annum) and the Knights of St. Peter (8,000). The College of the Knights of St. Peter was allotted 2,485 *scudi di moneta*, which then decreased to between 2,200-2,300, from the revenue of the *Salara* of Rome, as well as a further 828 *scudi* per annum from the Treasury


\(^{31}\) Ibid., 25.
of Perugia. The *camera* often used the Knighthoods to guarantee the loans received; they were given as pledges to the *mercatores* (merchants) to whom it was in debt.32 Peter Partner showed that from 1526 until 1613, the interest on the long-term debt increased from 25,000 to 477,910 scudi; likewise, the short-term debt, from 1564 until 1613, increased from 97,800 to 180,955 scudi.33

When the offices of knights were up for sale, prices for them were inflated by speculation in the increased worth of the offices. These offices included less prestigious, as well as more significant positions -- all within the Apostolic Chamber. In any case, the model of commercialization seems to have been the same for all of them: while the offices could also be a sign of honor, they were used, above all, as simple objects of speculation or guarantees on loans.34

Bankers had a strong desire to become noblemen and to separate themselves and their identity from the politics of the pontiff. A considerable number of offices were granted as compensation or as a guarantee for other business deals. Certainly those offices that have been indicated here as the first and second type, prelatical and intermediate, served as launching pads for the acquisition of more important roles by the families of merchant bankers, possibly Cardinal offices.

Offices of the third type, popular, those that were exclusively honorary,

were often organized into the previously mentioned “colleges,” which on paper guaranteed a title of right and some privileges to those who wanted them. Whereas, for the first transferable offices, the authorization of the datary had been necessary, this was no longer the case, reinforcing once again the idea that they were very similar to the bonds on the public debt. Certainly, there existed those mercatores with little financial backing whose highest aspirations was to gain entry into one of those colleges, but it would seem that the prevailing idea among the merchant bankers was that of a good investment. The mercatores, in fact, tended to use these offices almost as a means of exchange: sometimes they accepted them as a pledge or guarantee of the loans they had made; at other times, they undertook to place a certain number on the market (and to speculate on the difference between the buying and the selling price), acting, in other words, as intermediaries. This was the same as what happened with the bonds of the monte, and this renders an even more convincing interpretation that almost all offices can be compared to the bonds of the public debt. This is considered as the legal and financial precedent to the monte.\(^{35}\)

The popes were directly responsible for the bonds they issued and for the offices. Papal responsibility over the debts of the local governments of the various communes of the papal state was indirect, except in the case of Rome. The communal debt of Rome alone was an important addition to the debt burden; in 1599 that amounted to 800,000 silver scudi. The indebtedness of the other

\(^{35}\) Ibid., 102-3.
Papal State communes was an important factor in papal financial policy because the same taxpayers who financed the local government debt also financed the largest portion of the papal debt. The local government debt was in some cases of ancient origin, as, for example, in Bologna, where it took definite shape in the city's agreement with Nicholas V (1447-1455) in 1440. The imposition of a more direct papal control over communal finances at the end of the sixteenth century meant the beginning of a more active papal policy to regulate the communal debts. The demographic and agrarian crises of the Papal States during the last decade of the sixteenth century meant that some communes were no longer able to handle their debt without central government intervention. This led to the Constitution *Quae ad Sublevationem* of Clement VIII (May 1, 1592), which sought to restrict the rate of interest on communal loans and bonds to 7 percent, and later to the issuing of the *Monte delle Communita e Universita* in 1604, which underwrote at least some of the communal debt. The pope was unable to exercise much control over the funded debt of Bologna, which was among the most important credit institutions of the Papal State. By 1656, the capital invested in Bolognese bonds amounted to a total debt of some 1.8 million silver scudi (9 million lire of Bolognese money). This was equivalent to about 5.5 percent of the main funded papal debt of that time.\(^{37}\)

The year 1543 was an important turning point in papal finance. This was


the year of the introduction of the first real direct State Tax, the *Triennial Subsidy*. Like most other direct taxes, the subsidy was initially an extraordinary tax, but then, in practice, it became ordinary. Extraordinary expenditures were financed by the sale of new “colleges” of papal offices, but in these cases, the link between the loan and the object of the loan was less public. No doubt, a great deal of papal nepotism was financed by the sale of venal offices. Such sales had benefited papal nephews almost from their beginning. As early as 1483, a substantial part of the money obtained by Sixtus IV from the creation of new “colleges” of offices was going to finance his nephew, Girolamo Riario. Popes of the sixteenth and seventeenth centuries devoted huge sums from these “colleges” to their families because they could not have obtained funds in any other way but by borrowing. Paul V, for example, gave over one million silver *scudi* to his nephews in the form of cash, specie, papal bonds, and offices. Only the smaller gifts and grants to papal relations could be supplied from the papal Secret Treasury, which was used for this purpose from the time of its first appearance in the fourteenth century.

The 1605 budget, at the end of the administration of Clement VIII, showed

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38 The *Triennial Subsidy* was introduced in 1542 as a way of replacing the increase of the Salt Tax and the other extraordinary taxes with a single tax. The Subsidy was applied to all the *communes* and was a real ‘state tax’ in the sense that it affected all the territories of the Papal State. Bruscoli, *Papal Banking in Renaissance Rome - Benvenuto Olivieri and Paul III, 1534-1549*, 158.

39 Ibid., 145.

an annual deficit of over 100,000 scudi.\textsuperscript{41} This is not a true deficit, since it can be met from the dataria revenues, but the compiler of the budget concluded, “it is clear that [the finances of] the Apostolic See needs radical reform.”\textsuperscript{42}

The 1619 and 1623 budgets contained the conventional clauses, “other extraordinary expenses which cannot be estimated, as they amount to more or less according to the instructions of his Holiness.” The “extraordinary building expenses” are in this category, and the writer of the budget adds, “These expenses have been very heavy in recent years.” This was an accurate description of the 2.5 million scudi spent by Paul V on building in Rome and the Papal States. Such huge expenses could not have been met from the 70,000 or 80,000 scudi a year that was predicted for the surplus of the avanza per la Sua Santità, the advance for His Holiness. However, the total of these surpluses during Paul V’s pontificate could have been more than one million scudi.\textsuperscript{43} In the year 1670, the debt had increased to fifty-two million scudi and absorbed even the dataria rent, which otherwise should, as usual, have been appropriated to the necessities of the papal court.\textsuperscript{44} William Lunt lists other sources of papal income: taxes, indulgences, rents, tributes, Peter’s pence, subsidiaries, services, visitation taxes, annates, fruits during vacancies, fruits wrongfully received,

\textsuperscript{41} Von Dollinger wrote that when Clement VIII died, he left a debt of 12,242,620 scudi. This required three quarters of the entire revenue of the State just for the payment of the interest. Döllinger, The Papacy and the Temporal Power, 368.

\textsuperscript{42} Vat Urn lat. f. 406. In Partner, Renaissance Rome - 1500-1559, 37.


\textsuperscript{44} Döllinger, The Papacy and the Temporal Power, 370.
spoils, procurations, compositions, obligations, gifts and legacies, and profits of jurisdiction.45

On the debit side, the papal budget records, which are extant, tell us practically nothing about the extraordinary expenditures. On the revenue side, although the budgets tell us in detail what is due from the tax-farmers, they cannot tell us the true revenue yield. Moreover, the tax-farmers paid large sums that were due either to the colleges of offices or to the bond interest, direct to the administration of the colleges or of the bondholders, without going through the depositary or the other central papal finance offices. Consequently, the cash flow through the depositary’s account was less than half of the tax revenue, since almost half the tax revenue was paid directly to the offices and the bond-holders, and other large sums went from the dataria to the Secret Treasury without passing through the depositary. Over the twenty-seven months ending in March 1599, an average of 46,704 scudi passed monthly through the office of the depositary; this sum of roughly half a million scudi a year amounts to less than half of the net revenues free of administrative expenses and perhaps one third of the gross. Though the depositary knew what the revenues of the Holy See were, he handled only a portion of them. Lunt believed that one reason that a better account of funds is not available is that money could be paid through the depositary without being entered in the accounts. Paul V, in directing funds deriving from the dataria for the benefit of his nephews, caused the money to be

45 Lunt, Papal Revenues in the Middle Ages, 127.
paid in species through the *depositary* to the nephews, before the *dataria* had the opportunity to enter the sums in his accounts or to transfer it to the so-called “Secret Treasury.” 46

The capacity of the popes to borrow, to pay interest promptly, and to repay the short-term capital they borrowed when it fell due was founded on a well-organized fiscal system. The basis of the fiscal system was the Papal State, an organism on which negative judgments concerning the fiscal system are justified by the data. Partner argues that the Papal government has been criticized for its neglect of agriculture and industry. A report of the Venetian ambassador Paola Paruta has been especially influential in its criticism of papal achievement in the temporal sphere. This report came at the worst point of the years of depression and dearth at the end of the sixteenth century. 47

The costs of papal nepotism were the most conjectural of all parts of the papal budget. The only pope for whom a modern scholar has calculated the costs is Paul V (1605-1621), and Wolfgang Reinhard's results make us willing to believe that nepotistic costs may be far higher than might otherwise have been thought. Reinhard’s research reveals that if Paul V was able to make gifts to his family of over one million silver *scudi* (or 4 percent of the income of his entire pontificate) and to help them finance investments in real property amounting to


over two million silver scudi; then perhaps some earlier popes were just as extravagant. The costs to the Church of Paul III’s nepotism were certainly enormous, but no calculations can be made. We know only that Palazzo Farnese cost well over 250,000 gold florins; we know also that Julius III spent a similar sum on the construction of Palazzo Firenze and Villa di Papa Giulio. The costs of Villa Madama and Palazzo Madama, the Medici palaces, remain unknown. However, it is possible that 4 or 5 percent of papal income was a common portion to be spent by a “nepotistic” pope. This percentage also seems to have been roughly the cost of Colonna nepotism under Martin V, nepotism under John XXII and nepotism under Clement VI late in the fourteenth century. When Cardinal de Lugo gave his advice in 1643 about the amount that Urban VIII might give to his nephews with theological and rational decency, he concluded that out of the total papal income of two million scudi, roughly 400,000 scudi were from “spiritual” sources. He considered that 100,000 scudi, a quarter of the spiritual revenues, might be considered as the pope’s personal stipend that he could donate to his own family if he wished. The Cardinal did not consider it in this manner, but this sum is, in fact, 5 percent of total papal revenue, and it may be that, in the calculation, he took account of what he thought to have been the normal papal practice.48

The great expenses of the Cardinal Nephews were not without benefit; each was to act as a vice pope. They formulated foreign policy, directed the state

48 Ibid., 55-6.
secretariat (often serving also as Secretary of State), corresponded with all nuncios, and, after the creation of the Congregations of Cardinals in 1588, oversaw the expanded papal administration. That nepotism in itself was not necessarily corrupt was attested to by Carlo Borromeo (1538-84), who was elevated by his uncle Pius IV to the purple at a young age and whose personal conversion led him to the role of an exemplary Counter-Reformation bishop. Nevertheless, the limited tenure of the Cardinal Nephew, whose power waned at the death of the reigning pope, dictated a logic of family politics that undermined reform, leading to the frenzied accumulation of benefices during the reign of the pope for redistribution to relatives. Cardinal Ludovisi, nephew of Gregory XV, died in 1632, having accumulated the benefices of the archbishopric of Bologna, twenty-three abbeys, the vice-chancellorship of the Church, and the directorship of the Signatura, most of which were redistributed to seventeen kinsman. While the accumulation of benefice at the highest level of the Church made a mockery of the Tridentine injunction against pluralism, the practice of "resignation" (whereby the holder of a benefice resigned his office to another to gain a pension) likewise perpetuated simony (the sale of Church offices) in essence if

49 Papal intervention in the bestowal of ecclesiastical benefices is a phenomenon which earlier ages had not known. It stands out as the prerogative and authority, which the Popes of the twelfth and thirteenth centuries began to exercise, as that which had least ground in tradition and theory. The right to the disposal of all ecclesiastical benefices, on the other hand, which Clement IV formulated in his famous decretal of August 27, 1265, had actually been acquired by the papacy less through theoretical justification or a legal qualification of the rights of others than through practical exercise during the course of the immediately preceding century. By the fourteenth century the tendency to regard a benefice exclusively as a source of income was characteristic and was everywhere recognized as characteristic of the curia. Geoffrey Barraclough, *Papal Provisions* (Oxford: Basil Blackwell, 1935), 4-5, 73.
not in name. For clerical elites, there existed little distinction in practice between Church and family property. The single greatest privilege enjoyed by the Cardinal Nephew was to make wills (*facultas testandi*), by which he could dispose of incomes from benefices and a personal testament to lay members of his family.\(^5^0\)

The Cardinal Nephew represented the tip of a social group that fed on the resources of the Church. Again, the Borghese served as an example. Their family bore the arms of papal troops and was exempted from taxes; their vassals could not be tried in other courts, except for crimes of heresy and capital offenses; the nephews received 758,495 silver *scudi* in cash from the pope. Between 1605 and 1620, the nephews acquired 158 offices and titles (8 percent through purchase and 92 percent as gifts); the family purchased fifty-one pieces of land around Rome; and Cardinal Borghese, an avid art and book collector, acquired an enormous private collection, including 416 books from the Vatican Library. Through the institution of nepotism, the enormous resources of the Papal States continued a patrimony for partial redistribution to rising families (through tax exemptions, accumulation of benefits, gifts, and appointments to offices), who, in turn, constituted a new nobility by avidly acquiring titles and land. The middle-class and the members of the urban patriciate from the larger cities, having made their money in commerce and finance, bought land from the old baronial families who needed to raise money for dowries and to close the gap between stable rental incomes and rising prices. Nepotism in the papal *curia*

\(^5^0\) Hsia, *The World of Catholic Renewal, 1540-1770*, 102.
Innocent XI understood the cost of nepotism in both financial terms and in the loss of prestige of the Church. For him to reform the Church, he needed not only to put an end to the practice of nepotism but also to reform the other practices that allowed the Church hierarchy to bleed the treasury of the resources needed to fight the Turks and carry on the Church functions. As the papal incomes dwindled, Innocent XI needed to curtail the Church’s expenditures. The Church had to conserve the precious resources in order to fight the infidels, to restore the former Catholic world to its zenith, and to evangelize additional lands, all for the glory of his Church. With the assistance of Giovanni Battista de Luca, Innocent XI did reform many areas; however, his primary reform, the prohibition on nepotism, failed. Nevertheless, the torch of nepotism reform was reignited and raised high during the pontificate of Innocent XII: under Innocent XII’s leadership, nepotism was at last prohibited in the Catholic Church.

Nepotism was pervasive so it was difficult to eradicate. Its financial costs as well as its limited benefits at the expense of the rest of the Church made its eradication a necessity.

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51 Ibid., 102-3.
Nepotism in the Catholic Church has been a problem since the beginning of the Church. Welfare functions, guaranteed loyalties, and family enrichment were reasons given by the popes for lavishing money on family members. A program that started out to assure that family members did not suffer financially when the pope was elected became a blatant misappropriation of Church funds. Popes made certain that their families did not suffer financially; even in times when the Church’s income suffered, the papal relatives did not. Nepotism caused financial problems that adversely affected the Church.

This chapter traces the development of nepotism and demonstrate that popes did use Church money to enrich their relatives. Some popes were relatively generous with the payments while others were more frugal. However, a pattern of abuse of the system does exist. At times, millions of scudi were distributed to relatives while Church coffers were near empty.

Definition of Nepotism

The ecclesiastical state originally used nepotism as a general term designating the significant favoritism enjoyed by the relatives of the pope. The term later became a more generalized designation for the many benefits distributed by other clerical dignitaries of the Catholic Church. Eventually, in its
modern usage, the term came to encompass the broad, inappropriate influence that persons in power granted to relatives or close associates.¹ To understand nepotism in a measured cultural, social, and historical way, one must take into account the following views.²

In the pre-modern era, cultural norms placed less value on equality of opportunity and on the division of public and private life than on the moral duty to care for one's own family. For Thomas Aquinas, such behavior was piety and, as such, a virtue of justice.³ Thus, even nepotism, according to the Italian Jesuit Cardinal and controversialist Roberto Bellarmino (1542-1621)⁴ was not a stain on

¹ In his dictionary, Tommaseo defines nepotism as generally attributed as having a double meaning. With the first one defined the practice of the pontiffs to reward with offices and rich benefices the actual relatives and specially the nephews, independently from the capacity of these same; with the second, for extension, the limit, comes to define in general the aiding of blood relations or friends in the allocation of offices. N. Tommaseo, Dizionario della lingua Italiana, vol. V (Torino, 1916). In Antonio Menniti Ippolito, Il tramonto della curia nepotista: papi, nipoti e burocrazia curiale tra XVI e XVII secolo corte dei papi (Roma: Viella, 1999).


⁴ Schaff believed that next to the Summa of Thomas Aquinas, Bellarmine's Disputations is the most imposing volume setting forth the Roman system of government and theology. David S. Schaff, "Cardinal Bellarmine," Church History 2, no. 1 (1933): 41.
Nepotism’s welfare function, supplying material benefits to the favored, seems corrupt by modern standards, but in the pre-modern era, it was considered a legitimate and even expected contribution to a family's status, under the condition that similar chances remained open to other elite families. From the fifteenth through the eighteenth centuries and beyond, most popes and Cardinals belonged to an extensive network of aristocratic families from central and northern Italy. These families’ finances should not suffer because of their service in the Church. Furthermore, nobles who had suffered a diminution of wealth were seen as appropriate recipients of money.

Thomas Aquinas always emphasized that when presented with equally virtuous candidates, one should give preference to relatives when assigning offices, because one could expect a more reliable service from them. In a time when no professional bureaucracy with an abstract devotion to duty existed, and officeholders were guided by personal loyalties, one could hardly pass over the guaranteed loyalty nepotism provided. Hence, in Rome, nepotism served a decisive governmental function and over time became a quasi-institution.

Early Nepotistic Practices

Similar to the way relatives and friends close to Jesus Christ played

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5 Reinhard, "Nepotism," 1031.
6 Ibid.
7 Ibid.
important roles in the early Church, the relationship between Church office and family was considered self-evident in early Christianity. We know that Episcopal Sees could be inherited before Constantine’s reforms made these offices more attractive. Pope Victor I (189-199) Polycrates of Ephesus explicitly referred to being the eighth member of his family to hold the same Episcopal office. By examining the world of the Roman bishops more closely, one discovers a similar situation. Gregory I (590-604) came from a family that had already placed two popes on the throne. Bishops would serve the affairs of the community best by being from certain highly positioned families. However, monetary problems were associated with nepotism; since the late fifth century the Church was prohibited from dispersing money to relatives. Under Pope Gelasius I (492-496), a Roman synod issued the decisive decree\(^8\) in 494 A.D. that, in the future, Church income would be distributed equally among the bishop, the clergy, the Church buildings, and the poor. After the sixth century, the vow of celibacy was meant in part to prevent relatives of Church officers from inheriting Church income and property.\(^9\)

In the Middle Ages, nepotism increased amid aristocratic dynasties. One cannot separate the governmental function of nepotism in the service of kings, bishops, and abbots from the welfare function it had for aristocratic families. In the eighth century, after a series of Eastern popes, a clearly aristocratic papacy

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\(^8\) The spring synod of 494 published decretals covering the recruitment and formation of the clergy, the active care of the souls, as well as on the division of Church funds. J. N. D. Kelly, *The Oxford Dictionary of Popes* (Oxford University Press: Oxford, 2005), 49.

installed itself in Rome. These popes ruled with their families' help in a way typical of the Middle Ages. One example of such a family would be the Conti. They gave the Church fourteen popes: Hadrian 1 (772-795), Sergius III, John XI, John XII, Benedict VII, Benedict VIII, Benedict IX, John XIX, Innocent III, Gregory IX, Alexander IV, Innocent VIII, and two anti-popes.10 Peter Partner adds that after the death of Otto III, from 1003 until 1092, the rulers of Rome were the Crescenzi family. The papacy either was filled by family members or approved family candidates.11 If the papacy had fallen prey to rival aristocratic families, it did not matter if the family served the papacy or the papacy served the family. Thus, for the wide-ranging reform movement during the time of Leo IX (1049-54),12 the freedom of the Church meant, first, freedom from rival parties of the Roman aristocracy; however, aristocratic rule and nepotism could not be disbanded. On the contrary, these practices reasserted their governmental function. The more the popes were entangled in multiple political conflicts, the more they relied on blood loyalty to rule, especially when they came from families rich, powerful, and skilled in battle.

Even for Innocent III (1198-1216), a member of the Conti family, avoiding support of his own family would have meant handing himself and the Church

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12 Leo IX as a new Pope demonstrated his reforming at his first synod in 1049 by fulmination against simony and clerical un-chastity. Kelly, *The Oxford Dictionary of Popes*: 147.
over to other nobles. Thus, he entrusted his family with powers, set them up with Church benefices, raised them to Cardinals, and used the laymen among his relatives as army commanders and in politically motivated marriage arrangements. His cousin, Gregory IX (1227-41), became pope, and his cousin's nephew also became Pope Alexander IV (1254-61). Criticisms arose during the reign of Innocent IV (1243-54) because he employed nepotism not only for the purpose of governance, but also used the pope's *plenitudo potestatis*, which became fully developed under his rule, to enrich his family with Church benefices. A "foreign" pope had to create a reliable environment of relatives and compatriots; for example, Gregory X (1271-1276) supported himself with relatives from his hometown, Piacenza. Even the nepotism of Nicholas III (1277-80) served not only to enrich his own family, the house of Orsini, which caused Dante to condemn him in the *Inferno*, but also to secure his threatened hold on the Holy See. These examples of nepotism stand out but are in no way exceptional.

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13 Gregory IX indulged in nepotism on an unprecedented scale to create a network of political support. Like Innocent III, he held that as Christ's vicar, the pope was supreme over earthly princes, but recognized that he possessed this supremacy *de jure*, not *de facto*. Ibid., 192.


15 Nicholas III was consigned to hell by Dante (Inferno 19, 61ff.) because of his nepotism and avariciousness. Kelly, *The Oxford Dictionary of Popes*: 202.

16 Reinhard, "Nepotism," 1031.
Papal Relatives Serving in Church Offices

Another method of enriching members of the pope’s family was by assigning them offices within the Church for which they were paid. In secular affairs, the presiding custom was that a relative of the pope became the justice minister, or seneschal, of the curia. When Boniface VIII (1294-1303) installed his favored relatives as provincial governors, but assigned the exercise of these offices to deputies, he was simply exploiting an office as a sinecure.\footnote{Ibid.}

In Avignon, nepotism’s welfare function of distributing benefits held the upper hand over its governmental function of the Papal Nephew, who was there to protect the residence of Avignon and to create a loyal following in southern France. Military commands as a pretext for enrichment, money presents, magnificent weddings at the Church’s expense and ordinary distribution of benefices to relatives were as common as they were later in the Renaissance and Baroque eras. As an example, Clement VI (1342-1352), the fourth of the Avignon popes, was marked by nepotism: he lavished offices and gifts on relatives and countrymen.\footnote{Ibid.; Justo L. Gonzales, \textit{The Story of Christianity}, II vols., vol. I (New York: HarperCollins Publishers, 1984), 335; Kelly, \textit{The Oxford Dictionary of Popes}: 219-20. Clement V named more Cardinal-Nephews than any other pope. It is possible that 4 or 5 percent of papal income was a common portion to be spent by a “nepotistic” popes. Peter Partner, “Papal Financial Policy in the Renaissance and Counter-Reformation,” \textit{Past and Present} 88(1980), 55-56.}

Sometimes those favored by the nepotism of Avignonese popes were assigned tasks in distant regions of the Italian Papal States. With the Great
Schism, and afterward with the reconciliation and stabilization of the papacy, nepotism's governmental function became as indispensable for rival popes as it would be for their Roman successors beginning with Pope Martin V (1417-31), who was lucky to have in his family (the Colonna) dependable relatives ready to come to his aid. In addition to entrusting positions to favored Cardinals, nepotism extended to secular favors, including assigning relatives to hold strategic fortified outposts and to serve as high commanders in the Papal States' army, ensuring relatives family estates in the Papal States and fiefdoms in the kingdom of Naples, and establishing lands for the benefit of their families.

Before the Great Schism, the papacy had derived much of its funding from the vigorous exercise of its spiritual offices -- payments from suppliants at the Papal court, revenues derived from Papal provisions, and annates on benefices. The erosion of Papal prerogatives during the schism in the conciliar era, however, drastically reduced such payments, and the papacy was increasingly thrown back on the secular revenues derived from the Papal States, a fact which accounts for the Papal Wars in defense of those States.

The Power of Nepotism

The spread of nepotism and of venal appointments to the cardinalate, in return for money, made the outcome of papal elections towards the end of the

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19 Williams, Papal Genealogy - The Families and Descendants of the Popes: 167.
20 Reinhard, "Nepotism," 1032.
fifteenth century even less likely to reflect a simple search for "God’s candidate."
In the 1484 conclave, which elected Innocent VIII, there were a record twenty-
five Cardinals present, many of them scandalously secular men; one such was
Cardinal Calandrini who had little experience in politics and who had fathered
several illegitimate children before ordination. Proceedings to elect Innocent VIII
were orchestrated by Giuliano della Rovere, nephew of the prior pope. When it
became clear that Rovere was unelectable, he saw to it that the Cardinals chose
a manageable non-entity.\textsuperscript{22} The successful candidate, Cardinal Cibo, bribed
electors by countersigning petitions for promotion brought to him in his cell the
night before the decisive vote.\textsuperscript{23}

Roderigo Borgia’s election as Alexander VI (1492-1503)\textsuperscript{24} was
accompanied by even more naked bribery. A new pope had to redesign his entire
benefice so he had more to distribute. Borgia, a gifted administrator and diplomat
with a long and successful curial career behind him, was one of the most
spectacular of the pluralists. He had at his disposal literally dozens of major
plums - bishoprics, fortresses, and fortified towns. He allocated them in advance
to consolidate the majority he needed. It is in fact quite likely that Alexander's
political shrewdness and administrative experience would have won him the

\textsuperscript{22} Kelly, \textit{The Oxford Dictionary of Popes}: 251-52.
\textsuperscript{23} Duffy, \textit{Saints and Sinners - A History of the Popes}: 193.
\textsuperscript{24} Nepotism reached dizzying heights under Alexander VI. Other popes were not far
behind, for every pope after Nicholas V (1447-1455) set up relatives as territorial dynasts. Lauro
Martines, \textit{Power and Imagination - City-States in Renaissance Italy} (New York: Alfred A. Knopf,
1979), 293.
support he needed to become pope, even without the bribery at his election. Yet, for all his ability, Roderigo Borgia was a worldly and ruthless man, and at the time of his election was already the father of eight children,\textsuperscript{25} by at least three women. That such a man should have seemed a fit successor to Peter speaks volumes about the degradation of the papacy.\textsuperscript{26}

The family in late Renaissance Italy was not merely a venerable social institution but was in the process of undergoing the change associated with the vanishing kinship that had underpinned the class structure of feudalism. The desire to establish family power invaded and frequently corrupted political life. The tendency toward the papal practice of nepotism was clearly demonstrated in these actions.\textsuperscript{27}

**Renaissance Nepotism**

The Renaissance papacy represented a new high point for nepotism in its functions of governing and granting benefits; the governmental functions ended after Pope Julius II (1503-1513). This was not only true for the intriguing relationships of the Borgia family; one must recall that every pope in the fifteenth century paid homage to nepotism, even the humanist Pius II (1458-64). During the Renaissance, when Innocent VIII (1484-92) and Alexander VI (1492-1503)

\textsuperscript{25} Alexander VI used his children for his political ambition. Lucrezia married into families that the pope selected and Caesar was given vast sums of papal money to pursue military actions to increase the papal states, which became the personal domain of the Borgia family. Williams, *Papal Genealogy - The Families and Descendants of the Popes*: 168.

\textsuperscript{26} Duffy, *Saints and Sinners - A History of the Popes*: 193-4.

\textsuperscript{27} Ibid., 176-7.
rose to the Papal throne, children of popes again made an appearance in Rome. In the time of Sixtus IV (1471-84), with the expansion of the College of Cardinals and the formation of factions of Cardinals who had received papal favors, it became easier for relatives of former popes to be elected pope. Thus, as in the Middle Ages, one again finds popes of the same family: Eugene IV (1431–47) and Paul II (1464–71), the Barbo; Calixtus III (1455-58) and Alexander VI (1492-1503), the Borgia; Pius II and Pius III (1503), the Piccolomini; Sixtus IV and Julius II (1503-13), the Della Rovere; Leo X (1513-21) and Clement VII (1523-34), the Medici. Ultimately, modern power politics and Catholic reform changed this, and the last attempt by a grandchild of Paul III (1534-49), Alessandro Farnese, to be elected pope, proved not in keeping with the times, despite three tries.

Historian Wolfgang Reinhard believed that brutal family politics of the Borgia served to subdue and modernize the Papal States, a process that Julius II could not continue without the help of relatives. Nepotism's governmental functions end after Julius II (1503-1513). The corresponding welfare function of granting benefits only increased, however, with favored persons receiving

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29 The papal nephews of Paul III started by plundering of the Church dignity and riches that ended by spreading turmoil in the Papal States and adjoining lands. Martines, Power and Imagination - City-States in Renaissance Italy: 294; Paul III lavishly advanced his children, one of whom, Pier Luigi Franese, became gonfaloniere of the Church, commander-in-chief of the Papal forces and Duke of Castro. He was rewarded with the entire principality of Parma and Piacenza. Williams, Papal Genealogy - The Families and Descendants of the Popes: 169.

30 Reinhard, "Nepotism," 1032.
principalities cut out from the Papal States, a practice that reached its high point with the establishment of the Farnese dukedom, Parma-Piacenza, in 1545. The ban by Pius V in 1567 could not prevent later families favored by nepotism, like the Barberini in the seventeenth century, from similar projects.\textsuperscript{31} After all, to what other end would a papal uncle dispose of the \textit{plenitudo potestatis} (fullness of power)?

No larger political opportunities existed beyond the granting of rich estates and high aristocratic titles in the Papal States as well as in the kingdom of Naples; nepotism no longer had any function for actual governance. Between the fifteenth and seventeenth centuries, nepotism's function of providing welfare permitted social mobility, which was not legitimate in the Middle Ages and so was far less common then. Unlike ancient and medieval family dynasties who planned and achieved no shift in social status because they had a relative in the papacy, most Papal families between the time of Eugene IV (1431-1447) and that of Alexander VIII (1689-91) rose in social status, as a result of nepotism. City patricians and even poor petty aristocrats did not manage to become ruling princes of Europe like the Farnese, but families\textsuperscript{32} like the Borgia, Piccolomini,

\textsuperscript{31} According to Ippolito, the \textit{Admonet nos} issued by Pius V in 1567 marked the end of “\textit{grande nepotismo}” (large nepotism) and the beginning of “\textit{piccolo nepotismo}” (small nepotism). Ippolito, \textit{Il tramonto della curia nepotista: papi, nipoti e burocrazia curiale tra XVI e XVII secolo}; Pius V made every attempt to put into effect the decrees of the Council of Trent. Kelly, \textit{The Oxford Dictionary of Popes}: 268.

\textsuperscript{32} Boncompagni, Aldobrandini (Pope Clemente VIII), Borghese (Pope Paolo V), Ludovisi (Pope Gregorio XV), Barberini (Pope Urban VIII), Pamphilii (Pope Innocenzo X), and Ottoboni (Pope Alessandro VIII), Borgia (Pope Alexander VI), Piccolomini (Pope Pius II), Cibo (Pope Innocent VIII), Peretti (Pope Sixtus V) in Ippolito, \textit{Il tramonto della Curia nepotista: papi, nipoti e burocrazia curiale tra XVI e XVII secolo}, 179 and \textit{The Catholic Encyclopedia}. New York: Robert
Cibo, Boncompagni, Peretti, Aldobrandini, Borghese, Ludovisi, Barberini, Pamphili, and Ottoboni continued to rise in the European high aristocracy.33

Sixteenth and Seventeenth Century Nepotism

Between 1538 and 1692, a kind of institutionalized system of nepotism began to surface again that again gave nepotism some function for government. At first glance, one could dismiss the claim that such nepotism had a governmental function for the state and could see it as merely an ideological legitimization of its primary function of distributing and acquiring benefits. However, one can observe nepotism's active governmental function, though not by looking to its official capacities. A papal nephew of ecclesiastical quality was routinely named Cardinal and, with a papal brief, appointed Sopraintendente dello Stato Ecclesiastico.34 As head of the Secretaries of State, he was the correspondence liaison with papal diplomats and provincial governors in the position of Cardinal legate. In addition, he was the prefect of the most important administrative congregations, the Consulta and the Congregazione del Buon Governo. In military and financial dealings, his signature would appear repeatedly. Other relatives were granted secular positions such as the offices of


33 Reinhard, “Nepotism,” 1032: Ippolito adds: Chigi (Pope Alexander VII) and Rospigliosi (Pope Clement IX) families Ippolito, Il tramonto della Curia nepotista: papi, nipoti e burocrazia curiale tra XVI e XVII secolo, 71.

34 This position is similar to a viceroy ruling over the secular affairs of the papacy with wide-ranging but exactly circumscribed powers.
general and admiral of the Church, the commander of the papal guards, or governorships. These offices were purely sinecures; the favored person collected revenues, and their employees executed any work.\textsuperscript{35}

In case of the \textit{Soprintendente}, things were somewhat more complicated. The official function of this position, comparable to a Prime Minister in the manner of a Richelieu, was only fully realized by the nephews of weak popes, such as Cardinal Ludovisi under Gregory XV (1621-1623). Most \textit{Soprintendenti} limited themselves to producing signatures and acting as representatives, like Cardinal Borghese under Paul V (1605-21). The popes ruled in direct cooperation with the Secretaries of State and with the congregations. Attempts to change this, made by Francesco Barberini under Urban VIII (1623-1644), were not successful. One could easily conclude that the favored Cardinal remained limited to a position of pure beneficence; this meant he could accumulate huge amounts of Church income, 150,000 \textit{scudi} and more, mainly from commendatory abbeys, and with this money, he could acquire investments, especially property. With the privilege of "\textit{Facultas testandi}," (executor of a will) such property could be transferred over time to the family fortune. This impression is deceptive, however. The Cardinal Nephew had a governmental function throughout. First, he governed by means of mere letters of the \textit{Soprintendente} signifying a modernization of Papal administration, a transition from the age of the certified original document to the age of record keeping. Such letters were binding by law

\textsuperscript{35} Reinhard, "Nepotism," 1032.
but could be revised, whereas letters written by the pope, such as bulls and briefs, were considered absolute documents that set down an irreversible law. Second, this arrangement permitted the pope a formal distance from everyday business and an ability to play the role of a neutral *padre comune* over competing parties in international politics as well as in the micro-politics of the curia. The management of social networks, especially of family clientele, without which no governance was possible in eras before the development of bureaucracies, lay in the hands of the Cardinal Nephew. Thus, he was often referred to as the Cardinal *Padrone*, the chief of the papal and family clientele, because here governmental function and the distribution of benefits were closely tied together.\(^{36}\) Allegedly, this was a reason for the long life of the system, since the actual affairs of office no longer required relatives. In the seventeenth century, these activities were transferred to the Secretary of State, who was raised to the position of Cardinal.

Innocent XII revoked the system of nepotism in 1692 by a papal Bull, *Romanum decet Pontificem*, which all Cardinals swore to uphold. The bull dissolved many offices filled by relatives who had enjoyed special favor. An income limit of 12,000 *scudi*, which corresponded to the traditional idea of the average income of Cardinals, was imposed on those who had risen to Cardinal through nepotism. The papal financial crisis, created in part by excessive nepotism under Urban VIII (1623-1644), served as an enhanced emphasis for

\(^{36}\) Ibid.
reform. In contrast to the Fifth Lateran Council, which had declared in 1514 that the care of relatives was still commendable practice, in 1563 the Council of Trent, in an act of great rigor, expressly forbade nepotism for Cardinals and bishops, though the holders of papal plenary power did not feel bound by it.

Pope Urban VIII (1623-1644) supported nepotism more than any other pope of the seventeenth century; he bestowed the purple on his brother Antonio and his nephews Francesco and Antonio the Younger and enriched his family so wastefully that, on his deathbed, Urban felt remorse of conscience. His extravagance towards the Barberini family presented a painful contrast to his meager contributions for the support of the Catholic side of the Thirty Years War.

Urban VIII’s successor, Innocent X (1644-55), brought about change concerning the highest political office in the Holy See; the Cardinal Nephew was supplanted as chief minister by the Secretary of State. The enhancement of political importance of the Cardinal Nephew was no more than an episode. The

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37 (Session XXV de ref:1); Reinhard, "Amici e creature. Micropolitica della curia Romana nel XVII secolo," 59.
41 Innocent X would not learn from the difficulties in which Urban VIII became involved as a consequence of his reckless nepotism, and it never entered Innocent X’s mind to do anything with the post of Cardinal Nephew, reputed indispensable for running the court. Pastor, The History of the Popes, XXX: 32.
leading roll went instead to the Secretary of State after 1651. Cardinal Giovanni Giacomo Panciroli was the first to hold this office. Fabio Chigi (1651–1655), the second Cardinal Secretary of State, began the series of Cardinal Secretaries of State to ascend the throne of Peter.  

The Ending of Nepotism

Nepotism, as an institutional system, had disappeared by the eighteenth century, but as a support for relatives according to the law of "Pietas," lasted well into the twentieth century. This support often does not require the intervention of a papal uncle; the mere existence of such a relationship would raise a nephew's chances of enrichment. Under autocratic popes like Pius VI (1775-99), Leo XIII (1878-1903), and Pius XII (1939-58), the weakening of the Church bureaucracy to some extent led to the establishment of an informal parallel government of those enjoying family favoritism. However, in the end, the disappearance of the Church as a state and the internationalization of the curia greatly reduced the possibilities for nepotism.  

Historian Marzio Bernasconi believed that to understand the issues facing Innocent XI and Cardinal de Luca in the last half of the seventeenth century, one has to study the practice of nepotism prior to the Council of Trent. By the time of Trent, nepotism had extended its role and had become recognized and accepted

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43 Reinhard, "Nepotism," 1033.
socially. This historical period after Trent was symbolic and significant; it is the moment in which the practice was pushed to its limits.

Nepotistic practices can be divided into two distinct periods: “large” and “small” nepotism. Pius V’s Bull of 1567, *Admonet nos*, served as the dividing dynamic. However, this bull only diminished nepotism. Two post-Tridentine popes, Paul V and Urban VIII, practiced nepotism on a large scale. The nepotistic practices of these two popes show the excess that was still possible

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44 Hallman disagrees with Bernasconi’s position. Hallman believes that if the Roman practices of nepotism appeared strange to non-Italian Catholics, then it cannot be considered the customary norm. Hallman, *Italian Cardinals, Reform, and the Church as Property: 127.


46 Laurain-Portemer divides nepotism into two periods, roughly equal, the first ranging from Paul IV to Paul V included (1555-1621), the second from the decline of Gregory XV to the advent of Innocent XII (1621-1691). Madeleine Laurain-Portemer, "Absolutisme et népotisme. La surintendance de l'etat ecclésiastique.," *Bibliothèque de l'école des chartes* 131, no. 2 (1973): 488-89.

47 Pius V sought every opportunity of sustaining the power and dignity of Rome. On that subject, he published his thirty-fifth constitution, *Admonet Nos*, which was signed by thirty-nine Cardinals assembled in congress, and subsequently confirmed by Gregory XIII, Gregory XIV, Clement VIII, and Paul V. In that bull it is forbidden to give in fief any city whatever in the Ecclesiastical States, either for life or to the third generation, or to consent to any clause importing alienation. It was ordered that every Cardinal, on receiving the hat, or before going into conclave to elect a Pope, should swear never to allow the derogation of that Bull, and to refuse all consent to be absolved from his oath upon the subject. The Pope ventured to enjoin it upon future pontiffs to swear to the maintenance and confirmation of that Bull as soon as they should be raised to the pontificate; they were to declare that they would take all necessary pains to have it executed in the most complete manner. Artaud de Montor, *The Lives and Times of the Popes*, 10 vols., vol. 5 (New York The Catholic Publication Society of America, 1911).

48 Ippolito, *Il tramonto della Curia nepotista : papi, nipoti e burocrazia curiale tra XVI e XVII secolo*.

49 Paul V’s nephew had received 260,000 scudi, those of Urban VIII 1,700,000, those of Innocent X, 1,400,000, those of Alexander VII, 900,000, those of Clement X 1,200,000, and those of Alexander VIII, 700,000 scudi, from the Apostolic Camera alone, to which must be added the revenues of the Dataria and the income derived from the various offices. Williams, *Papal Genealogy - The Families and Descendants of the Popes*: 170.
Nepotism came under attack after the fifteenth century. In 1436, for example, the Council of Basel issued a decree forbidding the creation of Cardinal Nephews or governor nephews for the Papal States. The relative absence of papal nepotism during the pontificates of Martin V, Eugene IV, and Nicholas V from 1417 to 1455 reflects the fear of criticism and an eye toward the decree Frequens and a possible future council. In contrast to these popes, the reform program of Domenico de' Domenichi during the pontificate of Pius II (1458-1464) condemned papal nepotism, and the reform Bull of 1514 cautioned against nepotism at all levels.

In 1534, leading up to the Council of Trent, Paul III was severely criticized when he made his school-boy grandsons Cardinals. The utility and


52 A Venetian theologian believed that Haec Sancta was the invalid act of one's obedience. Thomas M. Izbicki, "Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present," Church History 55, no. 1 (1986): 12-3.

53 For additional information, see John C. Olin, ed. The Catholic Reformation: Savonarola to Ignatius Loyola, Reform in the Church, 1495-1540 (New York: Harper and Row, 1969), 55ff. Note: Hallman believed that this reform Bull, Supremae Dispositionis Arbitrio, was never enforced. Hallman, Italian Cardinals, Reform, and the Church as Property: 97.

54 Denys Hay, The Church in Italy in the Fifteenth Century (Cambridge: Cambridge University Press, 1977), 34,86. in Hallman, Italian Cardinals, Reform, and the Church as Property: 96.

55 Ranke wrote on the remonstration of Paul promoting two of his grandsons to the cardinalate at too early an age; Paul replies, that he would do as his predecessors had done – that there were examples of infants in the cradle being made Cardinals. Leopold Ranke, The
convenience of the private treasury had become apparent to Paul III and he used its money lavishly in support of his family. He emerged as the most generous pope of the period in his use of the *datary*.\(^{56}\)

The seventeenth century saw the election of Paul V (1605-1621) after Clement VIII died.\(^{57}\) After his election, the politically and socially active Borghese family rose even further on the social ladder, Francesco, an older brother, became captain-general of the papal guard, Governor of Borgo, castellan of Ascoli, and admiral of the Papal galleys. Another brother, Giovanni Battista, was appointed castellan of Castelangelo and Anona; a nephew, Scipione Cafferelli, was elevated to the cardinalate and changed his name to Borghese; Princes and prelates showered the family with monies and gifts. When Giovanni Battista died in 1609, his assets totaled over one million *scudi*. Even the distant cousins in Siena received some rewards: the pope’s namesake received the archbishopric of Siena. Paul V, however, focused his largess on his brother’s son, Marcantonio, the only male heir to the Borghese possessions. The young Marcantonio married an Orsini, one of the two grandest Roman families. In 1620, his uncle, the pope, acquired for him the title of a Spanish Grandee, in exchange for elevating

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\(^{56}\) Hallman, *Italian Cardinals, Reform, and the Church as Property*: 149.

\(^{57}\) Betten believed that nothing is more surprising than that this man who led so prayerful a life and exercised such astonishing works of penance should have been subject to the weakness of nepotism. He enriched his nephews with large sums of money besides the revenues they drew, and his secular relatives were similarly favored with offices and wealth. Francis S. Betten, "The Pontificate of Pope Clement VIII (1592-1605)," *The Catholic Historical Review* 20, no. 4 (1935): 425.
Ferdinand, King Philip III’s ten-year-old son, to the Cardinalate and granting him the income of the archbishopric of Toledo, the richest in Spain. Under Paul V, the Borghese had transformed themselves from an elite urban family of local renown into one of the greatest aristocratic clans of early modern Italy.\textsuperscript{58}

Paul V’s election marked the last stage of the pre-classical period of the “soprintendente.” In the first weeks of the pontificate, two Cardinals were empowered, one to sign the correspondence of “Buon governo,” the other to dispatch diplomatic correspondence. The first was the well-known Cardinal Camerino; the other was Cardinal Valenti. These appointments were just in the transitional phase, coinciding with the installation of the pope. As early as July 16, 1605, Paul V’s nephew Scipione Caffarelli, soon called Borghese, became a Cardinal.\textsuperscript{59} Later, on September 10, Paul appointed him soprintendente, succeeding Cardinal Valenti. On September 21, Scipione Borghese\textsuperscript{60} received the second office that Cardinal Camerino had held. He was now both a Cardinal Nephew and soprintendente and could receive both money and power associated with these positions.\textsuperscript{61}


\textsuperscript{59} The nephew, Scipione Caffarelli, is the son of the sister of the pope; he received the appointment to Cardinals when he was only 27 years old and, he also received the role of Cardinal Padrone. He then changed his name to that of the pope, Borghese. Bernasconi, \textit{Il cuore irrequieto dei papi}, 7, 189.

\textsuperscript{60} According to Emich, Scipione Borghese became Soprintendente dello Stato Ecclesiastico of the most important congregation of the Church. Emich, \textit{Burokratie und Nepotismus unter Paul V. (1605-1621)}: 201.

The nepotistic activity of Paul V was considered the real turning point from Renaissance to Baroque nepotism.⁶² The pontificates of the mid-seventeenth century (the Barberini, Pamphili, and Chigi), were true icons of seventeenth-century nepotism.⁶³ The Borghese assume a historic role that exceeds local boundaries only when they move to Rome and establish themselves at the curia, which occurred gradually in the course of two generations. The ways in which the Borghese expanded their importance through the papacy became a model for the ways future popes after the Council of Trent could expand the importance of their families.⁶⁴

Gregory XV (1621-1623) became pope on July 8, 1621, after the death of Paul V; he was from the Ludovisi family. The nepotistic practices of the papacy continued. The pope was rather old, and his health was always frail; he was aware that his pontificate would be short, and this affected every decision. He had a strong resolve and intensity: he had to do everything, and do it now, so that he would not miss even a moment to achieve his objectives, the enrichment and prestige of the family.⁶⁵

On February 15, 1621, as his first activity, Gregory XV's chose his Cardinal Nephew in the person of the twenty-five year old Ludovico Ludovisi, the

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⁶² The term Baroque era describes the period of between the years of 1600 and 1750.
⁶³ Bernasconi, Il cuore irrequieto dei Papi, 7: 188.
⁶⁵ Bernasconi, Il cuore irrequieto dei papi, 7: 192.
elder son of his brother, whom he had just raised to the Cardinalate the day after the coronation. He then entrusted him with the “direzione degli affari ecclesiastici e civili piu importanti,”\(^{66}\) when Ludovisi was twenty-six. His uncle instructed him on how to be a Cardinal Nephew: have integrity, be meritorious, and take care of the family.\(^{67}\)

The economic conditions were adverse; a hard famine had destroyed the territory. The economic crises of the 1620s and 1630s in Italy and Rome in particular did not disappear completely, and began instead a progressive decline of the Church as an international ecclesiastical state. Pope Paul V was, therefore, the last pope to benefit in the 1600s from a situation clearly favorable to the accumulation of wealth.\(^{68}\)

Urban VIII (1623-1644), Maffeo Barberini, succeeded Gregory XV. Paul V had appointed him Cardinal in 1606, Bishop of Spoleto in 1608, legate of Bologna in 1611, and prefect of the Signatura in 1617.\(^{69}\) Nepotism continued under Urban VIII. He selected three family members to receive the red beret (Cardinal): Antonio Barberini, his Capuchin brother; Francesco and Antonio Barberini, his nephews; Carlo Barberini, the second son of his other brother, who was appointed volta generale della chiesa, on Carlo’s death, he was replaced by

\(^{66}\) Ludwig Von Pastor, *Storia dei papi della fine del medio evo*, vol. VIII (St. Louis: Herder, 1932), 42.

\(^{67}\) Bernasconi, *Il cuore irrequieto dei papi*, 7: 192.

\(^{68}\) Ibid., 194-95.

the pope's brother's third son, Taddeo.

During Urban VIII’s long pontificate, the Vatican became the home to the Barberini family. The Cardinal Nephew was the twenty-six year old Francesco, appointed after the election to the papacy of his uncle. He was the nephew favored by Urban VIII, the most capable and enterprising; between Francesco and the other nephews, there were often rivalries and tensions.70

In 1628, Urban VIII nominated Antonio to the Cardinalate when he was twenty. Because of this, Antonio had to obtain, before the real appointment to the cardinalate, a dispensation, which allowed his appointment. This was granted in defiance of pontifical votes in the past against these premature appointments. In addition, the brother of the pope, Carlo Barberini, received the position of general of the militias through a breve.71

The entire pontificate of Urban VIII was dotted with appointments of official facultas for the family members. The pope could not, however, deceive anyone, not even himself. Nepotism was materialized, personified, and assumed a human character under Urban VIII. Criticism of the family of Urban VIII continued. At the time of the War of Castro, numerous criticisms and serious allegations surfaced that attacked nepotism; there were complaints about the Barberini family in 1642. Nepotism was in the eye of the storm. The criticism was the same that took place

70 Bernasconi, Il cuore irrequieto dei Papi, 196.
71 Ibid., 196-7
twenty years later during the reign of the Chigi pope, Alexander VII.\textsuperscript{72}

Innocent X (1644-1655), Giambattista Pamphili, was not immune from nepotism. However, he had few choices of relatives to serve as a Cardinal Nephew. A better choice for a Cardinal Nephew would have been the much more powerful and sinister Donna Olimpia Maidalchini, a sister-in-law of insatiable ambition and greed, who served in his court. Her dominance was such that Innocent X made no important decisions without consulting her.\textsuperscript{73}

The firstborn and only nephew, Camillo Pamphili, twenty-two years old, son of Donna Olimpia, seemed logical to be the Cardinal Nephew; however, the first \textit{breve} of the pope appointed him the Governor of the Pontifical Army (\textit{governatore delle armi pontificie}). He later was elevated to Cardinal and became the Cardinal Nephew in 1644.\textsuperscript{74}

In 1647, three years after his appointment, Camillo Pamphili abdicated his position as Cardinal to marry Olimpia Aldobrandini. The pope pretended he was upset but in reality endorsed the choice because a marriage so important with a princess was undoubtedly a great strategic move (for themselves and for all the family). In Camillio’s place, the pope found a new Cardinal Nephew; the choice fell on a younger grand-nephew, Francesco Maidalchini, seventeen-year-old nephew of Olimpia. In 1647, Francesco Maidalchini became the Cardinal Padrone. The pope, because of the tender age of grand-nephew, had to imitate

\begin{itemize}
\item \textsuperscript{72} Ibid., 197-98.
\item \textsuperscript{73} Kelly, \textit{The Oxford Dictionary of Popes}: 282-82.
\item \textsuperscript{74} Bernasconi, \textit{Il cuore irrequieto dei Papi}, 7: 199.
\end{itemize}
his predecessor, Urban VIII, and ratify a breve for a waiver that allowed Francesco to become Cardinal despite his age.75

Maidalchini, however, was a disappointment to the pope and was removed. In 1650, the pope found himself again devoid of a Cardinal Nephew. A distant relative of Donna Olimpia, the thirty-year old Camillo Astalli, was appointed to Maidalchini’s post. When Camillo abdicated, his actions left Innocent X again to search for a Cardinal Nephew. Innocent X had appointed three Cardinal Nephews, none of whom endured. However, subsequently he intended to abolish nepotism by a bull.76

A manuscript dated July 7, 1647, included the following: Innocent X has placed all the glory of his pontificate behind the removal of nepotism and wants to be remembered as the pope who issued a bull, sworn to by the Cardinals, which prohibits pontifical nepotism.77 Innocent X was the first seventeenth-century pope to think about abolishing nepotism. His pontificate encompassed a period of the full institutional splendor of nepotism. Another pope, Alexander VII (1655-1667), asked his Cardinals to formulate and submit to him their positions on the practice of nepotism, although he never truly attempted to prohibit nepotism, even with his initial reluctance to appoint relatives, he had no real

75 Ibid.
76 Ibid., 200.
passion to abolish the practice of nepotism.\textsuperscript{78} Innocent XI, with a real emphasis on his proposed anti-nepotistic bull, was the first seventeenth-century pope who actually attempted to eliminate the practice of nepotism.\textsuperscript{79}

Was Innocent X acting on real commitment to end nepotism or out of frustration of having three disappointing Cardinal Nephews? Bernasconi believed that one must consider Innocent X’s action as a hypocritical gesture; Innocent X dealt with his own political position in 1647, after the pressure exerted by Barberini. Innocent X’s power finally became stable and certain. To show off his confidence, the pope hoped he would find international approval with this political gesture, which was the prohibition of nepotism. After just three months of this notice, the pope announced the appointment of Francesco Maidalchini to be the Cardinal Nephew, in place of Camillo Pamphili and the renunciation of nepotism ended. Bernasconi’s assessment of the situation attributes Innocent X’s reform attempt to superficial motives.\textsuperscript{80}

Alexander VII (1655-1667), Fabrio Chigi, was elevated to the pontificate after the death of Innocent X. Alexander’s personal weakness and his weakness as pope, were exposed. Initially he attempted to avoid nepotism by forbidding his

\textsuperscript{78} Pastor informs us that during the pontificates of Urban VIII and Innocent X, Lugo and Pallavicino had declared that the pope might bestow from 50,000 to 100,000 scudi a year on his relatives. Alexander VII, in the first years of his reign, did not spend a single soldo of funds of the Apostolic Camera on his relatives; all he did was compensate them by small gifts from his private income. Ludwig Von Pastor, \textit{The History of the Popes, from the Close of the Middle Ages}, ed. Ralph Francis Kerr, XXXVI vols., vol. XXXI (London: Routledge & Kegan Paul LTD., 1957), 20.

\textsuperscript{79} Bernasconi, \textit{Il cuore irrequieto dei Papi}, 7: 201.

\textsuperscript{80} Ibid.
relatives even to visit Rome. However, by 1656, he allowed himself to be persuaded by the curia that the pope’s family should live in style and thus strengthen his position; therefore, he began loading them with offices, palaces, and estates. The influence Chigi allowed them, except in administering the Papal States, was limited.  

During 1657, the year that Alexander VII changed his mind about nepotism, he named his nephew Flavio Chigi to the Cardinalate. In April, he received the title of “sopraintendenza” of “Santa Maria del Populo,” and other numerous offices and innumerable titles, such as the governorship of the town of Fermo.

Clement IX (1667-1669), Giulio Rospigliosi, was elected pope after the death of Alexander VII. He almost broke from the tradition of nepotism when he assigned his relatives modest and moderately profitable offices. Clement IX made use of the nephew Giacomo Rospigliosi as a quality Cardinal Nephew. A love for the family and the reality of the numerous breve for the appointment of Cardinal Nephews caused some doubt to emerge concerning the attitude that Clement IX might have held if his pontificate had been longer. One may suppose

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82 Bernasconi, Il cuore irrequieto dei Papi, 7: 204.
83 Clement IX insisted that his relatives should live in a becoming style, it was impossible for them to pile up wealth or to lay the foundation of a new family of nephews at the price of an increase of the public debt. Pastor, The History of the Popes, from the Close of the Middle Ages, XXXI: 325.
that, perhaps, he would have been like his predecessor Alexander VII; however, after an initial phase of moderation in the nepotistic practices, the usual abuses returned.\textsuperscript{85}

Five months after the death of Clement IX, the seventy-nine year old Emilio Altieri became pope, taking the name Clement X (1670-1676). Aware of his age, he knew he needed assistance.\textsuperscript{86} A problem arose because Clement X did not have a nephew. The sole heir of the family was Laurel Altieri, grandchild of the pope; the nepotistic logic of the seventeenth century imposed the choice of a relative to put in the office of Cardinal Nephew.\textsuperscript{87} In a similar manner to that of Innocent X and Camillo Astalli, Clement X decided to adopt Cardinal Paluzzi of the Albertoni and to confer on him the surname Altieri. The marriage of a nephew of Cardinal Gaspare to Laurel Altieri made this possible. Paluzzi Altieri, forty-seven year old, had been named Cardinal in 1666 during Alexander VII’s pontificate. As was customary, Clement X named Altieri “soprintendenza generale dello stato ecclesiastico.”\textsuperscript{88}

The nepotism of the Altieri was judged in a critical manner — as being too permissive and therefore excessive. This does not seem to be a novelty with respect to the largess of past popes. The only excuse is that Clement X was of

\begin{footnotes}
\footnote{\textsuperscript{85} ———, \textit{Il cuore irrequieta dei Papi}, 7: 207-8.}
\footnote{\textsuperscript{86} Kelly, \textit{The Oxford Dictionary of Popes}: 285.}
\footnote{\textsuperscript{87} At first Clement X refused to lend a hand to the Altieri family. Pastor, \textit{The History of the Popes, from the Close of the Middle Ages.}, XXXI: 445.}
\footnote{\textsuperscript{87} Bernasconi, \textit{Il cuore irrequieto dei Papi}, 7: 208-9.}
\end{footnotes}
an old age. The pope, in his condition, had little possibility to monitor the nephew. The results were serious. Cardinal Altieri was particularly extravagant and was severely criticized for his actions. Bernasconi believed, gluttonousness and avariciousness defined Paluzzi. He took advantage of his offices to enrich his family.  

After a two-month conclave, Benedetto Odescalchi, Innocent XI (1676-1689), was unanimously chosen to succeed Clement X, after Louis XIV of France agreed to withdraw his threatened veto. Frugal in his personal life, Innocent XI at once set himself to sweep away moral and administrative abuses. Entirely free from nepotism, he sought to persuade the Cardinals to prohibit it, but in vain.

Innocent XI broke with the tradition during his pontificate, he abstained from any type of nepotism, renouncing above all the classic Cardinal Nephew. For the first time in the seventeenth century, one could not find a breve of a Cardinal’s appointment for a nephew. This was a true and actual revolution in the Church.

After the recent and serious disorders with the papacy of Clement X and because of a new and more general intolerance of nepotism, the election of Benedetto Odescalchi arrived like a ray of sunshine after years of storm. The papacy for the first time would not distribute nepotistic privileges and offices. This anti-nepotistic attitude of the pope could be partially explained because of the

89 Ibid., 209-10.
wealth of the Odescalchi family; an improvement of the family finances was not the ambition of this pope.\textsuperscript{92}

Innocent XI’s Nepotism Bull

Innocent XI wanted nepotism officially abolished by means of a bull. His proposal was serious; it did not resemble the alleged intention of Innocent X to do the same thing in 1647 or the initial but fading rigorous attitude of Alexander VII towards his relatives. These last two attempts showed them to be either insincere or ephemeral attempts. Pope Odescalchi expressed his seriousness when he separated himself from his family so he could compose an outline of an anti-nepotistic bull that every Cardinal could judge.\textsuperscript{93}

Two popes, Pius V and Innocent XI, shared the passion to promote a structural reform in the curia that would include nepotism;\textsuperscript{94} Pius V abolished territorial nepotism in 1567, and Innocent XI was the initiator of the abolition of baroque nepotism (although his bull failed to be embraced by the Cardinals).\textsuperscript{95}

The Bull of Pius V of 1567, \textit{Admonet nos}, should have ended the practice

\textsuperscript{\footnotesize 92} Ibid.
\textsuperscript{\footnotesize 93} The draft of this bull is presented in BAV. Vat. Lat. 13422, f. 537-548); Bernasconi, \textit{Il cuore irrequieto dei Papi}, 213.
\textsuperscript{\footnotesize 94} According to Hertling, Pius V was elected at the right time. The laws had been issued, reform had been introduced in all fields; now good examples must do the rest. Pius was wholly absorbed in his spiritual function. Ludwig Hertling, \textit{A History of the Catholic Church}, trans. Anselm Gordon Biggs (Westminster: The Newman Press, 1957), 398.
\textsuperscript{\footnotesize 95}Bernasconi, \textit{Il cuore irrequieto dei papi}, 7: 124. After there had been no mention of the bull for years, the pope returned to his plan in 1681 and again in 1688. On April 9, 1686, Cardinal Pio reported that the bull against nepotism was once more on the tapis and that the minuta of it had been handed to Cardinal Slusius and the sottodatario. Mattia Giuseppe Lippi, \textit{Vita di Papa Innocenzo XI}, ed. Giovacchino Berthier (Roma: Tipografia Vaticana, 1889), 49.
of nepotism. To circumvent this bull and continue the practice of nepotism, the popes named their relatives to the positions of Secretary of State or other Church offices. However, it was not until the pontificate of Innocent XII in 1692 that the bull, *Romanum decet pontificem*, eliminated nepotism.

The reforms of the Church instituted by Innocent XI had positive effects on the financial stability of the Catholic Church. Because Innocent XI believed that the abolition of nepotism was necessary to reform the Church, he would not end his effort in his first defeat. He made two additional attempts to get the prohibition passed. In the end, all of his attempts failed.

Nepotism was a focus of Innocent XI’s and de Luca’s reforms. However, the reforms were not limited to nepotism; a series of reforms focused not only on suggestions made at Trent, but also reforms of other areas of the Church. The next chapter reviews some of these reforms and the reasons for the reforms.
CHAPTER 7
INNOCENT XI’S REFORMS

The Council of Trent was called to set doctrine and to reform the Church. Although the Church did show some outward signs of reforms after Trent, major reforms, the reform of the upper clergy, were scarce. Innocent XI was elected to be a reform pope and he did not disappoint those who voted to elevate him to the Papacy. Innocent XI had great success in the lesser reforms; however, the one major reform, nepotism eluded him.

This chapter of the dissertation shows that Innocent XI was elected to carry out reforms and had the pledge of the Cardinals who elected him that they would help him in these reforms. A brief biography of Innocent XI aids in understanding why he promoted the reform of the Church. Innocent XI’s life experiences show that he was sincere in his passion to reform the Church and to restore the Church to its former glory. Innocent XI’s appointment of Giovanni Battista de Luca to assist him in fulfilling his promise of reform will be shown to be a wise choice.

The Council of Trent addressed several weaknesses in the Church. Misunderstanding and lack of education among the clergy, for example, were addressed at Trent with a decree requiring more seminaries and suggesting attendance by the clergy. The system of preferments (giving advancements for
profit or prestige) was also addressed in the twenty-fifth session of Trent, which attempted to limit the gifts that could be given to papal relatives and church officials. This Tridentine reform was what gave the foundation to Innocent XI’s attempt at prohibiting nepotism. Historian Agostino Lauro informs us that Innocent XI wanted to eradicate the privilege of benevolence, which was a license to the criminal dimensions permitting hoarding and embezzlement.¹

Pope Innocent XI, Benedetto Odescalchi, (1676-89) attempted to halt the diminution of the prestige of the papacy. He was, by any standard, a very great hope for reform of the Church because he was an experienced papal administrator, who had cut his teeth in Urban VIII’s service. Benedetto Odescalchi became an exemplary and effective bishop of Novara² in 1650, noted for his efforts to raise educational standards among clergy and laity, and for his lavish generosity to the poor. Ill health led to his retirement to curial work in Rome, and he accepted election to the papacy with extreme reluctance, only after forcing the Cardinals to agree to a fourteen-point reform program for the Church. His practical skills and personal integrity were soon demonstrated. As pope, he inherited a debt of fifty million scudi. By drastically reducing papal expenditures, abolishing useless honorary posts, and introducing a number of economic measures, Innocent XI balanced the books and began to build a financial reserve. He also promoted missionary activities throughout the world,

² Novara is located in Piedmont region in northwest Italy, to the west of Milan.
helped unite the Kingdom of Poland and the Emperor in a league against Turkish invasion of Eastern Europe, and prevented influential Catholic rulers, including the Emperor, from marrying Protestants. Yet he strongly disapproved of religious persecution, condemned King Louis XIV’s treatment of the Huguenots (French Calvinists), and tried to talk King James II of England (1633 –1701) out of his aggressive Catholic policies in England.3

Innocent XI’s efforts to unite Catholic nations against the danger from the Turks in Eastern Europe brought him into conflict with Louis XIV, for France welcomed Turkish pressure on the Empire. Louis XIV wanted to have a weakened Catholic Church and a conflict between the Church and the Turks was a way to cause this. While drawing back from an actual alliance with the Turkish regimes of the Grand Porte (Ottoman government), Louis XIV would not join the pope. Innocent XI had other reasons for distrusting Louis XIV. The pope was determined to accept no further invasion of the Church’s power by secular rulers. In 1678, he called on Louis XIV to abandon further extension of Regale.4 While working to unify the Catholic world, Innocent XI saw directly that the financial condition of the Church was not as strong as it needed to be to allow him to carry out his promised reforms. Nepotism, in the past, had weakened the Church and Innocent XI knew the only way to permanently solve nepotism was to abolish it by a papal bull.

4 Ibid., 238.
Not one of the previous popes, neither Alexander VII (1655-1667), who was educated at the nunciature\(^5\) of Cologne and at the Westphalia Congress, nor Clement IX (1667-69), who was a playwright and Latin poet, nor Clement X (1670-1676), showed the willingness or ability to eliminate nepotism. These popes continued to consider as necessary and urgent the appeal to the crusade against the Ottomans and the strengthening of the doctrines and discipline of the Catholic Church to combat the Protestant heresies. However, under their Pontificates, Roman reforms seemed more a pious hope than an actuality. However, the reign of the personally austere and reform-minded Innocent XI (1676-1689), brought some glimmer of hope of reform\(^6\).

The Elevation of Cardinal Odescaldi to the Papacy

Cardinal Odescalchi, the future Pope Innocent XI, had been known as a supporter of the need for reform in the Church before he was elected pope, as well as a distributor of benevolence. As Cardinal and then as pope, he distributed to the poor the income of his considerable property, sometimes the amount was more than a thousand \textit{scudi}, distributed one at a time\(^7\).

Pastor points out that Cardinal Odescalchi enjoyed the reputation of a saint. People spoke of him as the Cardinal Carlo Borromeo (1538 –1584) of the

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\(^5\) The office or tenure of a nuncio in the Roman Catholic Church.


\(^7\) Lauro, \textit{Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683)}, 246.
Sacred College. Like Odescaldi, Borromeo was responsible for significant reforms of the Sacred College. It was known, that not only did Cardinal Odescalchi not aspire to the tiara but that, on the contrary, he sought to escape it. All reports by his contemporaries were full of praise; they described him as an extraordinarily devout man, a stern defender of the Church’s immunity, a father to the poor, an enemy of nepotism, and an advocate of ecclesiastical and secular reforms.8

Odescalchi was not the first one in the seventeenth-century Church who saw a need for reform. Mariano Soccini (Sozzini), a Roman Orator,9 had composed a list of reforms10 that he would like the next pope initiate and submitted these to Cardinal Odescalchi. Soccini called for the reform of the papal curia, particularly requesting the introduction of non-Italians into the College of Cardinals and curial congregations; he also sought the elimination of Episcopal pensions so customary in Italy. The startling document, which greatly influenced Odescalchi, stipulated many improvements, largely in keeping with the Tridentine

8 Pastor, *The History of the Popes*, XXVII: 3-5.
9 See footnote fifteen for more information on Soccini.
10 Raymond J. Maras, *Innocent XI Pope of Christian Unity*, ed. Cyriac K. Pullapilly, 1 ed., vol. 1, *The Church and The World* (Notre Dame: Cross Cultural Publications, Inc., 1984), 51. These reforms were: Cardinals were not to make any promises before departure from a conclave; election of competent assistants and the maintenance of constant vigilance; detachment from relatives; defense of ecclesiastical immunity; improvements in the administration of justice; less favoritism; observance of the Tridentine injunctions; relief of poor; moderate use of censorship and censure; growth of luxury in Rome was decried; piety and discipline should be observed; no theater or comedy; consideration for bishops; the pope has to visit bishops as [Saint] Charles Borromeo visited his suffragans; greater benefits for the laity; the pope had to make improvised visits to the *Rota*, a tribunal, and the Congregation of the Council, which interpreted the decrees of Trent; care should be taken in selecting officials; and there should be public examples of piety and charity.
spirit of reform. The death of Clement X (1670-76) gave the Cardinals an opportunity to determine if they wanted to reform the Church by elevating the reform Cardinal Odescalchi to the throne of Saint Peter.

Pastor informs us that some feared that the circumstance of Cardinal Odescalchi’s having been a subject of the King of Spain would render him suspect to the French, who had already opposed him in the previous conclave. Cardinal Altieri, heedless of the French, began to work openly for the election of Odescalchi. His first step was to come to an arrangement with Cardinal Nidhard, the leader of the Spanish party.

Innocent XI’s Election as Pope

On September 21, 1676, Odescalchi received twenty votes and forty-two accessi (access)\(^{14}\). He reluctantly accepted the election as pope, but only after insisting that the fourteen articles of reform, already proposed at the last

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\(^{11}\) Ibid.; The pope also confirmed these articles. These for the most part tended to a Reformation of Manners, and to amendment of those abuses which were crept into the Church. in T.L., \textit{The Life and Reign of Innocent XI Late Pope of Rome}. (London: Printed for Abel Roper, 1690), 17.

\(^{12}\) Odescalchi was reared in the Como and later moved to Genoa. The Spanish connection was reinforced by Andrea Doria, who established a new constitution in 1528, making Genoa a satellite of the Spanish Empire.

\(^{13}\) Pastor, \textit{The History of the Popes}, XXVII: 3-5.

\(^{14}\) \textit{Accessi} - If no candidate receives a sufficient majority, a voter can add a candidate for whom he has not previously voted, but has received votes in the first ballot. For more information on these terms and the voting regulations, see Josep M. Colomer and Ian McLean, “ELECTING POPES: APPROVAL BALLOTING AND QUALIFIED-MAJORITY RULE,” \textit{Journal of Interdisciplinary History} 29, no. 1 (1998): 15-6.
conclave,\textsuperscript{15} be signed and sworn to by all the Cardinals. This document, which then became the program of Innocent XI’s government, had for its main objects: the care of the Congregations of the Holy Office and Propaganda; a general moral reform; a reform of the methods by which the bishops and parish priests were chosen; the diminution of clerical luxury; the restriction of expenditure in view of the exhaustion of the \textit{camera}; the regulation of the grain trade; the reform of justice and public administration, especially with regard to taxes and monopolies; the reform of the methods used for deciding what advice of the Cardinals should be considered in ecclesiastical and governmental questions; the confirmation of the traditional privileges; and lastly, the peace and concord of Christendom.\textsuperscript{16}

\textbf{Innocent XI Names de Luca as an Advisor}

Immediately after Innocent XI’s election, he began naming trusted advisors. Innocent XI appointed: Cardinal Alderano Cibo as Secretary of State on September 23, 1676; John Walter Slusius, who did not take a benefice during his

\textsuperscript{15} Ludwig Von Pastor, \textit{The History of the Popes}, ed. Dom Ernest Graf, XL vols., vol. XXXII (London: Routledge & Kegan Paul Ltd, 1957), 21. Innocent XI held in high esteem several Oratorians, especially Mariano Sozzini; Father Mariano Sozzini was born in Siena in 1603 and was admitted to the Congregation of the Oratory in 1641. In 1676, the pope named him a member of the Congregation for the Selection of Bishops. He was noteworthy among the priests of Vallicella for his exemplary life, and the \textit{Pregi dell’Oratorio} (“Esteemed Members of the Oratory”) often mentioned him. He died on 7 September 1680 and had the title of Venerable. From a manuscript of his life in the Biblioteca Vallicelliana in Rome - \textit{Vita del servo di dio Mariano Sozzini, prete della Congregazione dell’Oratorio di Roma} from which Fr. Carlo Massini drew material for his biography that was published in Rome by Paglierini in 1747.

forty years of service, as Secretary of Briefs; Stefano Agostini, as datarius and Secret Almoner; Mario Spinola, as a Secretary of Briefs; and Giovanni Battista de Luca, a celebrated canonist, as Auditor and subsequent Secretary of Memorials. De Luca was the instigator of the stern reforms in the Monastic Orders carried out by the pope; he was, accordingly, an object of hatred for many.17

Mattia Giuseppi Lippi, a contemporary biographer of Innocent XI, informs us that Innocent XI ascended the throne for the greater glory of God and had in mind two sacred ideas, worthy of a pontiff; that is, the peace of the people of Christ and the conversion of heretics. One of Innocent XI's two ideas was first challenged immediately. At this time, the papacy was fighting the incursion of the Turks into Europe. For Innocent XI to defeat the Turks, he would have to assist in raising and equipping an army. For this, he needed money. This was a problem; the treasury was exhausted, and to add further financial pressure, Innocent XI had to borrow 60,000 scudi for palace expenses.18

Besides the need to stabilize the papal finances, Innocent XI knew that he needed to start his promised reforms of the Church. Although these reforms would affect the central fabric of the Church, he understood reforms would also cut Church costs, thus reducing the drain on the various treasuries.

In the first months of his pontificate, Innocent XI had been constrained from withdrawing money from the reserves even for daily necessity because the

17 Ibid., 18-21.

financial crisis had reduced the revenues of the Papal Seat and of the State. The dishonest enterprises of the exploiters had been facilitated not only by their arrogance, but also by the complicity of the persons in charge of the public administration.19

De Luca Assigned Reform Duties

Innocent XI turned to his trusted advisor, de Luca, to offer advice on the management of the public debt. De Luca discovered that just the payment of the interest on the monte, the carrying charges of the debt, amounted to an annual increase of the financial burdens that reached 1,800,000 scudi of silver, to which was necessary to add another 60,000 scudi to pay for the offices vacabili. In reality, the burdens reached the sum of 2,582,296 scudi, which the camera should pay out annually for interest and rights; the treasury was sliding into bankruptcy.20

The formal procedures used for financial reforms were accomplished by means of the law and by adopting suggestions of commissions who studied the problems. The professional and logical approaches used by de Luca to solve these complex problems had demonstrated great merit, and he used these same means on other major issues, such as the anti-nepotism bull.

19 Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683), 246.

Urgency in the financial situation and in the resolve to find capital to pay the public deficit never made the pontiff neglect his obligations towards the needy. The pope had a deep desire to help the destitute; he had never been tempted to use the budget of the camera for this purpose. The sums used for the poor were distributed from the revenue of the compone nde and from the taxes on dispensations from impediments to marriage, reconciled for the celebration of the wedding. The revenue of those concessions reached on average the sum of 126,000 scudi a year.\textsuperscript{21}

Innocent XI Slashed Expenditures and Generates Income

The need for money caused Innocent XI to reach into the past to see what methods other popes used to raise funds. He would avail himself of every opportunity to maximize Church income, including selling pardons and indulgences. The Protestants criticized Innocent XI for selling indulgences and making money by selling absolutions. Ness and Oates, in a protestant diatribe, wrote that Innocent XI was selling pardons for one third of one’s sins for seven pounds ten shillings, and pardons for the other two-thirds for twenty-two pounds ten shillings. “A pardon for Forty Eight Years Sins, as you can Agree with Innocent… you can probably Wheadle him to your own Terms with Nuts and Apples… Thirdly, A Pardon for two Thousand Eight Hundred years… this may be dog cheap.” Fourthly, one could get a pardon for 33,000 years “at a very low

rate.”22 Absolution for sacrilege cost ten shillings and six pence; simony, eighteen pence; perjury, nine shillings; murder (father murdering his sister), ten shillings, six pence; adultery, deflowering a virgin, nine shillings; and burning a neighbor’s house, twelve shillings. According to Ness and Oats, Innocent XI “sold licenses for priests to keep whores for ten shilling and six pence.”23 Not only did Innocent XI maximize Church income, but he also found means by which to cut Church expenditures.

In one of the first successful papal reforms, the pope cut the enormous expenditures that had been budgeted for the celebrations of the coronation of the pope. He also abolished the so-called "agiuto of costa," a large amount of money that the pontiffs’ predecessors had distributed to their actual relatives for their expenses related to the coronation. This would include expenses for new clothing, new coinage, and travel.24

De Luca reformed the militias, which had profited the relatives of a new pope in the past and had taken advantage of the cameral budget at a rate of

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22 Christopher Ness and Titus Oates, The Devils Patriarck, or, A full and impartial account of the notorious life of this present pope of Rome Innocent the 11th wherein is newly discovered his rise and reign, the time and manner of his being chosen pope, his prime procession, consecration and coronation, the splendour and grandeur of his Court, his most eminent and gainful cheats, by which he gulls the silly people, his secret and open transactions with the papists in England, Scotland, France and Ireland, and other Protestant countreys to this very day: together with the rest of the hellish policies and infamous actions of his wicked life / written by an eminent pen to revive the remembrance of the almost forgotten plot against the life of his Sacred Majesty and the Protestant religion, (London: Printed for John Dunton 1683), 86-7.

23 Ibid., 89.

24 Ibid., 249.
50,000 scudi a year.\textsuperscript{25} As de Luca and Innocent XI gained resolve to continue these reforms, they abolished the higher posts and the associated revenues in which some popes’ relatives indulged.\textsuperscript{26} By eliminating these, de Luca indicated he could save an amount of 100,000 scudi a year.\textsuperscript{27}

Innocent XI’s reforms took away the exemptions of the hierarchies of power -- Cardinals, clergymen and officials of the camera, families of the popes, and diplomats -- previously they had been exempt from customs on imported goods. In doing so, he saved the Church about 98,000 scudi a year.\textsuperscript{28}

Other reform measures of Innocent XI’s and de Luca included the restructuring of the tribunals that reviewed the pensions of the ecclesiastical benefits; the eliminating of nepotism and taxes that were imposed in the diocesan curia; and the controlling of the expenses for the canonization, selection of the candidates to the bishop seats, and suppression of the apostolic secretaries.\textsuperscript{29}

As the residency requirements of bishops were enforced, Lauro points out that the Papal State had become a place of demotion, of misery, and of economic stagnation. Facing the damages produced from the negligence of the

\textsuperscript{25} Ibid., 250; Gaetano Moroni, \textit{Dizionario di erudizione storico-ecclesiastica da S. Pietro sino ai nostri giorni} (Venezia: Tipografia Emiliana, 1840), 306.

\textsuperscript{26} Military post deleted by de Luca: “Generalato della Armi,” “Generalato della galere”, ”Castellania di Sant’ Angelo,” ”Legazione di Avignone,” ”Governor di Benevento,” ”Governor di Borgo,” and ”Governor di fermo.”

\textsuperscript{27} Lauro, \textit{Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa} (1676-1683), 250-51.

\textsuperscript{28} Ibid., 253.

\textsuperscript{29} Ibid., 267.
ecclesiastical institutions, de Luca searched out individual causes of this devastation so he could eliminate it with effective interventions. However, "from such reforms and provisions there began to grow a hatred against the pontiff, also against some of his ministers."³⁰

Innocent XI, with the assistance of de Luca, began strong fiscal measures. Innocent XI’s own personal expenses were reduced to the strictly necessary. He renounced all taxes (sportula) in favor of the camera (monte), insisted on a wise economy in every department of the administration, and suppressed the office of General of the Church and other honorary posts, which had for the most part, only benefited the Papal Nephews. The College of the Apostolic Secretaries, which consisted of six members at the time of Calixtus III (1455-1458), had gradually grown to twenty, but Innocent XI reduced it to two members. In this way he saved, by a single stroke, 100,000 scudi a year.³¹ Innocent XI had reduced the expenditures and increased the revenue of the Catholic Church.

Expenditures amounted to 2,582,296 scudi, but the fixed revenue was 2,408,500 scudi, still a deficit of 173,796 scudi.³²

However, fresh debts of the camera were forever appearing; it was found that they amounted to fifty million scudi. In February 1679, Innocent XI was able to confound the self-appointed critics with the information that he had paid five million scudi towards the extinction of the debt and that he had balanced his

³⁰ Ibid., 268.
³¹ Pastor, The History of the Popes, XXVII: 3-5.
³² Ibid., 22.
In 1684, in order to meet the expenditures for the war against the Turks, he reduced the interest of the debt of the *cameral* (monte) from 4 to 3 percent. In this way and by means of a fresh taxation, Innocent XI succeeded in not only making revenue equal to expenditures, but also in creating a surplus.

The financial situation benefited, to an extraordinary degree, from the determination with which Innocent XI refrained from every form of nepotism. On the very evening of his election, Innocent XI sent for Livio Odescalchi, the son of his brother Carlo, whose guardian he had been and to whom he was greatly attached. Innocent XI explained to his nephew that he must not expect any revenues, but that he should continue to live quietly as a private person and not meddle in the business of government. The pope observed a similar strictness toward his other relatives.33 To assure that the nepotistic practices would not be able to continue after the death of Innocent XI, he started the process of officially banning nepotism at the highest level of the Church.

Preparing the Papal Bull on Prohibiting Nepotism

As early as May 1677, it was rumored that the pope was preparing a bull, which would put a stop to nepotism finally. However, it was soon learned that many Cardinals were of the opinion that it was not possible to tie the hands of a future pope. However, when certain investigations brought to light that since Clement VIII, thirty million *scudi* had gone to nephews, the pope felt strengthened

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33 Ibid., 23-25.
in his determination. Without the knowledge of the Secretary of State Cibo, who Innocent XI thought might oppose this bull, the auditor Giovanni Battista de Luca, Secretary of Memorials, was instructed to prepare a draft of the bull. Its early publication was accepted until the nephews of former popes, who relied on Cibo’s influence, raised strong protests. Meanwhile, the draft of the bull had been submitted to all the Cardinals for their opinion. The majority approved the pope’s resolution, but nearly all had some objection. Cardinals Rospigliosi and Altieri were in favor of the publication of the bull. Cardinal Azzolino questioned the opportuneness of the measure while Cardinals Barberini and Chigi opposed it. The former urged that the prohibition could not be carried through in practice and that it would not provide a real remedy to the financial problems. Secular governments, Spain in particular, raised objections to the papal plan. In Madrid, it was feared that with the removal of nepotism, the Holy See would become too wealthy. Cardinal Ottoboni and the pope’s Vicar, Cardinal Carpegna, also joined the opposition. Since it was impossible to secure a majority in the Sacred College, Innocent XI was compelled in the end to refrain from carrying out his intention. It would seem that Azzolino’s doubts as to the opportuneness of the

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36 Ibid., 8-10.
measure proved decisive.\textsuperscript{37} Again, it was urged in particular that the evil consisted not in nepotism itself, but in its abuse.\textsuperscript{38}

Innocent XI’s frugalness also had a salutary effect on the College of Cardinals. Not one Cardinal dared to take part in the festivities of the Carnival of 1677 because they did not want to be considered extravagant by Innocent XI. In view of Innocent XI’s budgetary concerns, it was known that he would only bestow the purple on thoroughly deserving subjects who would follow the pope’s austerity measures. He expressed himself most unequivocally on this point in June 1677. Not finding such persons who met these criteria, Innocent XI was unwilling to increase the number of Cardinals in the Sacred College; by 1678, people believed he would die without having created a single Cardinal.\textsuperscript{39}

\textbf{Innocent XI Names New Cardinals}

Having time to evaluate the appropriateness of his selectees, Innocent XI carried out his first nomination of Cardinals in September of 1681, at which time sixteen prelates, all of them Italians, received the purple. Most of the new Cardinals had distinguished themselves under the eyes of the pope in Rome, including, the Auditor, and Secretary of Memorials, Giovanni Battista de Luca. He had already proven himself as the primary reformer of Innocent XI, having helped

\textsuperscript{37} BAV Barb Lat 5662, f. 200 in Pastor, \textit{The History of the Popes}, XXVII: 412.

\textsuperscript{38} BAV Vat Lat 8632, f. 132 - \textit{Tutto il male et odiato del nepotismo consiste ne mal uso}.

\textsuperscript{39} Ibid., 412-3.
the pontiff for the previous four years. De Luca was elevated even though Cardinal Ottoboni had spoken against the elevation; he disagreed with de Luca’s previous reform programs. Ottoboni, however, remained alone in his opposition, and de Luca was elevated.

Louis XIV, the King of France, wanted a Frenchman appointed Cardinal; Innocent XI responded by instructing his *nuncio* in Paris to emphasize the fact that the nomination of Cardinals was exclusively the affair of the pope, who would have to give an account of it to God. After the September 1681 promotion, ten seats still remained vacant, but for the moment the pope showed not the slightest inclination to fill them. By April 1685, because of deaths, the number of vacancies in the Sacred College had risen to twenty-six. On September 2, 1686, fully five years after Innocent XI’s first creation of Cardinals, he proceeded to the second, which was also his last. On this occasion non-Italians figured largely among the twenty-seven new Cardinals. Historian Raymond J. Maras informs us that among these was Archbishop Le Camus of Grenoble, renowned for his

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40 Ibid., 414-5. Pastor lists others who Innocent XI raised to the Cardinalate. Maestro de Camera, Antonio Pignatelli; the Governor, Giovan Battista Spinola; the Datarius, Stefano Agostino; the Dean of the Rota, Flaminio Taja; the Master of the Apostolic Palace, the Dominican Raimondo Capizucchi; the Auditor of the Camera, Urbano Sacchetti; the Treasurer-General, Guan Francesco Ginetti; and the Consulter of the Inquisition, Michel Angelo Ricci. Francesco Buonvisi, Stefano Brancaccio, Savio Mellini, Marco Galli, and the learned Franciscan Conventual Lorenzo Brancati had done good works as nuncios and were elevated. To these must be added the Archbishop of Milan, Frederick Visconti and Benedetto Pamphili who owed his elevation to the pope’s grateful feelings toward Innocent X. Taja and Ricci declined the Cardinalitial dignity out of humility and were only prevailed upon to accept it by the pressing representations of the pope.

41 Cardinal C. Pio’s report of September 13, 1681, State Arch., Vienna. Ibid., 415. Pastor adds one other malcontent, Cardinal d’Estrees, who in a somewhat lengthy discourse spoke of his amazement that the wishes of his sovereign, Louis XIV, the “greatest monarch in the world,” had not been taken into account.

42 Ibid., 416-17.
opposition to Louis XIV’s stand on Regale. In the selection of bishops, Innocent XI proceeded in the same gingerly manner, as with his previous selection of Cardinals; he rewarded merit as he saw it. Undoubtedly, the most important concern with the bishops related to his refusal to grant bulls to the French nominees of Louis XIV. The main reason for Innocent XI not appointing French Cardinals had always been his opposition to Gallicanism.\footnote{Maras. \textit{Innocent XI Pope of Christian Unity}, 232.}

De Luca’s reform programs began four years prior to being elected Cardinal. The analysis of these reforms gives the reader another glimpse of this most extraordinary man, de Luca.\footnote{Lauro, \textit{Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa} (1676-1683), 262.} The next chapter of this dissertation contains a discussion of the main reform of nepotism.\footnote{De Luca will be involved in only the first of three attempts at prohibiting nepotism during the Pontificate of Innocent XI. However, the first attempt at passing the Bull was the most significant because it established the foundation for future attempts. After there had been no mention of the Bull for years the pope returned to his plan in 1681 (Michaud, I, 355) and again in 1688. On April 9, 1686, Cardinal Pio reports that the Bull against nepotism was once more on the tapis; that the minuta of it had been handed to Cardinal Slusius and the sottodatario. Lippi, \textit{Vita di Papa Innocenzo XI}: 412, f4.} The prohibition of nepotism was crucial in the reform movement in which Innocent XI and de Luca immersed themselves. Unfortunately, neither of these reformers lived to see the culmination of their efforts in the pontificate of Innocent XII.
CHAPTER 8

DE LUCA’S HANDLING OF THE PROBLEMS EXPRESSED BY THE CARDINALS CONCERNING THE BULL PROHIBITING NEPOTISM

The issues that confronted Innocent XI and de Luca when they accomplished other reforms seem minor in comparison to problems they encountered in their unsuccessful attempt to reform nepotism. The Cardinals’ initial acceptance of the prohibition bull later changed to rejection. Although some of the Cardinals attempted to justify their decisions to reject this bull using arguments from previous attempts at this reform, others approved of the bull, but suggested minor changes. Nevertheless, the Cardinals expressed diverse reasons, in their approval or rejection of the nepotism prohibition bull.

When the various opinions expressed by the Cardinals for and against the bull are examined definite patterns emerge. De Luca identified and addressed these patterns in his manuscript (Bav. Ottob. Lat. 792) submitted to Innocent XI. A thorough study of this manuscript reveals how de Luca attempted to convince Innocent XI to allow the bull to be published. De Luca argued in support of the bull while he attempted to dispel objections of the Cardinals. However, Innocent XI never issued the bull because of his Cardinals’ opposition.

De Luca was assigned the task of having the bull written and convincing the Cardinals to accept it. This process exposed the inner working of the Church and showed how the Church was not unified on important issues, such as papal
authority, conciliar theory, and care of the papal relatives. Knowing how these questions concerning the proposed bull were addressed by de Luca, helps us understand more about this important man.

Attempting to halt the slide of papal prestige, Pope Innocent XI (1676-89) endeavored to stop what he considered the most detrimental practice of the Catholic Church, the age-old scourge of nepotism. Previous popes had left the Church in dire financial situations. Without the proper finances, Innocent XI could not restore the Church to its prior position.¹

De Luca was Asked to Reform Nepotism

The reforms put forward by Innocent XI were much needed in the Church. As pope, he inherited a debt of fifty million scudi. Innocent XI wanted to do away with costly Church nepotism practices forever. To assist in this task, he asked his trusted advisor, Giovanni Battista de Luca, to lead in this daunting process. In response to the pope’s wishes, de Luca called together a special gathering of prelates and of other persons of tested virtue and of good doctrine in August of 1678, to see if they had an opinion on the nepotistic system.²

¹ When Innocent XI became pope, he inherited a debt of forty-one million scudi. In BAV Ottob. lat. 2462, f. 330. When Innocent died in 1689, he had a surplus of 459,459 and a credit of 1,300,000 scudi. In BAV, Vat. lat. 12153 f. 491. By the end of the pontificate of Innocent XII, in 1700, the Church was again in debt, 36,000 scudi. In BAV Urban lat 1695, f. 52v. In Marzio Bernasconi, Il cuore irrequieto dei papi, ed. Herausgegeben von Volker Reinhardt, 7 vols., vol. 7, Freiburger Studien zur Frühen Neuzeit (Bern: Peter Lang, 2004), 62.

to its nepotistic practices. He knew that the wealth generated from nepotism stayed in and was expended mostly in Rome. De Luca considered that this concentration of capital became a detriment to the provinces and impoverished the productive classes of the state, including craftsmen, workers, and peasants who were, "loaded with wife and sons and were compelled to deprive the same of bread and of the other necessary things."³

In addition, de Luca was familiar with the writings of Farrante Pallavicino⁴ and with that of Gregorio Leti⁵ and Leti’s anonymous Roman contributors whose vulgar invectives against Alexander VII’s (1599 –1667) nepotism revealed the corrupt mood that pervaded Rome during the century and the abundance of ammunition given to the Protestants. Because of this and his faithfulness to Innocent XI, de Luca was the facilitator of the decisions of the pontiff, the architect of the bull, and one of the pope’s most convinced supporters.⁶ The politics of the reforms demanded, therefore, a radical change of direction in the finances of the Church.⁷

De Luca gathered honest and noted churchmen who had studied the

⁵ J. N. Hillgarth, "The Image of Alexander VI and Cesare Borgia in the Sixteenth and Seventeenth Centuries," *Journal of the Warburg and Courtauld Institutes* 59, no. ArticleType: research-article/ Full publication date: 1996/ Copyright © 1996 The Warburg Institute (1996): 125. Greorio Leti (1630-1701) was an Italian convert to Protestantism and was the author of a long list of anti-catholic satires.
problems associated with nepotism; they unanimously decided to issue a fervent recommendation to eliminate the controversial phenomenon of nepotism. In leading the writing of the text of the apostolic constitution that would have led to the prohibition of this nepotistic system, de Luca wanted to confer dignity and legislative force to this long-awaited event.  

According to custom, Lauro points out, de Luca entrusted Monsignor Giovanni Ciampini, an ecclesiastical historian, to compose the text. Then Monsignor Saint Pillars was given the document for the final reading, and in the successive September, it underwent still more modification. The final compiling saw the document reduced to twelve from the original fourteen paragraphs. Completed in all its aspects and signed by Monsignor Walter Slusius, Secretary of the Brevi, the document was distributed to all the Cardinals with the request that they express their opinions and deliver their evaluations before the epiphany of 1679.

Although, originally, there was unanimous support for the bull, as the Cardinals made more exhaustive examination of the language and structure of the bull, criticisms began to surface. De Luca then gathered the fifty-four opinions returned by the Cardinals and he systematically compiled and categorized them.

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8 Ibid., 466.
9 BAV. Vat. 12156. Ff. 64-8. The manuscript is titled, *Innocent episcopus seruus seruorum dei ad perpetuam rei memoriam*.
11 Ibid., 467. Note: The epiphany was on January 6.
He recorded the survey of the individual Cardinals in a short manuscript, in which the approvals of and the objections to the bull were collected.

The Approval or Disapproval of the Cardinals Concerning the Bull

Before examining the individual parts of de Luca's formal report to Innocent XI, representative opinions of the Cardinals, whether they supported or did not support a prohibition bull on nepotism, is reviewed. Some of the Cardinals based their support of the bull on the supreme power of the pope. In virtue of his supreme power, the pope had the right to oppose nepotism; in other words, he is able to do this, simply because He is the pope. These supportive Cardinals argued that the theologians used similar reasoning during the pontificate of Urban VIII, who was the first pope to ask officially for an opinion on nepotism -- although Urban VIII used his papal power to continue nepotism.

Monsignor James Altoviti, the patriarch of Antioch, wrote to Innocent XI on

12 Ottob. Lat 792.
13 Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683), 468.
14 The following are a sampling of the Cardinals who did not support the prohibition of nepotism. Cardinal Cibo, BAV, Chigi C III 70, f. 38; Cardinal Aldobrandini, BAV, Chigi C III 70, f. 61; Cardinal Astalli, BAV, Chigi C III 70, f. 43; and Cardinal Barberini, BAV, Chigi C III 70, f. 42. In Bernasconi, Il cuore irrequieto dei Papi, 7: 121; All of these Cardinals are mentioned by de Luca in Ottob. Lat 792.
April 18, 1667, indicating that abandoning the nephews who served in the role of Cardinal Padrone was justified and that Scripture supported Innocent XI’s anti-nepotism position. Altoviti argued that the nephews did not need financial support.\(^{17}\)

Cardinal Decio Azzolino's\(^{18}\) treatise, opposing the bull, written to Innocent XI in 1679, contains two main ideas. We recognize these as developments of the arguments he proposed twenty years earlier during the pontificate of Alexander VII (1656-58). The first is that greater evils would arise from the suppression of nepotism than from its retention. Here he places an emphasis on the ruling aspects of the institution, which serve to enhance the authority of the pope in relation to secular princes. The second is that the formulations of the proposed bull are vague and inadequate, and might easily lead to misinterpretation. Given human nature, Azzolino argues, where self-interest rules, the nephews of the popes will inevitably seek alternative paths to making their fortune if papal protection is denied them. This would serve as an opening to the patronage of the secular princes, and the princes' increased role in the affairs of the Church.\(^{19}\) Against this position taken by Azzolino was Christina, Queen of Sweden, who had converted from

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\(^{17}\) BAV Vat Lat 11733, f. 234 in Bernasconi, *Il cuore irrequieto dei Papi*, 7: 87.

\(^{18}\) Because Odescalchi was no longer a close associate of Azzolino or his faction is partly evidenced by the fact that Azzolino actively opposed Odescalchi's possible election to the pontificate in 1669-70. In Marie-Louise Roden, "Cardinal Decio Azzolino and the Problem of Papal Nepotism" *Archivum historiae pontificiae* 34(1996): 142, n46.

\(^{19}\) Ibid., 146. The complete translation of Azzolino manuscript can be found in the appendix of this work.
Protestantism and lived in Rome.

Christina, Queen of Sweden, and some other members of the *Squadrone Volante*,\(^{20}\) wanted a pope who would do away with the ancient practice of papal nepotism. Nepotism had been a heavy charge on the Vatican's coffers and had stifled a ministry of reform as well. Azzolino was a founding member of the *Squadrone Volante* and his pro-nepotistic position upset Christina. Christina wrote a harsh letter to Azzolino about "the prejudice and this order that this plague of nepotism brings to the Church:"

> Don't you think it's pitiful [she wrote] to see some many millions from the Church treasury used for luxuries for absolute nobodies who turn up to suck the blood and sweat of the poor? Where would we be if that money had been used for the state, all for its defense, or to root out heresy? This private greed gobbling up public money! These Popes have ruined Church and state....\(^{21}\)

Historian Carl Nils Daniel Bildt believed that Christina's objection was

\(^{20}\) The *Squadrone Volante*. The faction was active as a coherent group until approximately 1676, and substantially affected the political direction of the late seventeenth-century papacy. *Squadrone Volante*, the flying squadron, was swift, energetic, unfixed to any faction. A contemporary described them as "vivacious spirit, acute in judgment, brave of heart," and all of the more inclined to work for the best possible candidate, since as Cardinals they had all been to recently elevated to be candidates themselves for the papal throne. At thirty one, Azzolino was the youngest of them, their undoubted leader nonetheless. The *Squadron* was a small group, only eleven out of the sacred college of seventy Cardinals. Most came from modest families, and their sudden success at the recent conclave was not enough to maintain them as a force for the longer-term. Other groups had look to a papal nephew, our pope himself or some French or Spanish dignitary, to draw them together and give them a collective public identity. The *Squadron* needed a patron of their own. Within a matter of weeks, Christina of Sweden had stepped into the breach. She had known of the *Squadron*, and even known some of its members, before her arrival in Rome. Veronica Buckley, *Christina, Queen of Sweden* (New York: HarperCollins Publishers Inc., 2004).

\(^{21}\) This was a translation of a letter from Christina to Azzolino dated September 29, 1666. This was quoted in Carl Nils Daniel Bildt, Christine de Suède et le cardinal Azzolino: lettres inédites [1666 - 1668] avec une introd. et des notes par le Baron de Bildt. (Paris: Nourrit Plon), 1899. *Christine de Suède et le Cardinal Azzolino*, 232-33. Quoted in Buckley, *Christina, Queen of Sweden*, 266.
based on one of her most dearly held convictions: the practice of nepotism, she felt, was gradually diluting papal power. It was incompatible with absolute rule, which was obviously the best form of government. Some of the members of the *Squadrone Volante* might speak against nepotism, but as a whole, they were not going to adopt any formal position because of the divisions within the Squadrone.\textsuperscript{22}

Other objections to the bull were the financial restrictions that this prohibition bull would impose on family members of the pope. Historian Marzio Bernasconi informs us that these Cardinals justified their hostility to this limitation by writing that the pope had the absolute and unquestionable power, according to the prevailing opinion of the canonists shared from the Roman legal world, to decide how, if he wished, to distribute his properties and ecclesiastical benefits.\textsuperscript{23}

According to Cardinal Albizzi, this bull, instead, would have enhanced the opinion that diminished the authority of the pontiff, denying him his prerogatives and reducing him to a simple director and distributor of benefits.\textsuperscript{24}

The divergence of opinions on subsidies to the secular relatives of the

\textsuperscript{22} Ibid.

\textsuperscript{23} Many of the Cardinals based their decision on “Pietas.” This concept that in every way you have the responsibility towards the familiar, the duty therefore to help the relatives in difficulty, but above all the duty of to reward those who were close and favored the career of a branch of the family. The concept of the “pietas” derived from ancient Rome. In Bernasconi, *Il cuore irrequieto dei Papi*, 7: 96-7; Cardinal Francesco Barberini, the nephew of Urban VIII, initiated the issue of the “pietas” into the debate. See BAV, Barb. Lat. 5672, f. 50.

\textsuperscript{24} BAV Vat. Lat. 10856, f. 28v; The idea that the pope wants to curb the authority of his successor is an enterprise that in this court is recognized daily. A pope’s successor can undo what all his predecessors did. In BAV, Vat. Lat. 11733, f. 231 and BAV, Chigi C III 70, f. 497v - 502.
pope proved to be difficult to resolve because it was problematic to change the
tradition of entrenched nepotism. Some Cardinals thought that if Innocent XI
published this prohibition bull, then the papal relatives might enter into secret
agreements with secular princes, be subject to blackmail, or commit simony or
other unworthy activities. The relatives would find some method to accumulate
wealth and money that would transfer to their successors.25

Other Cardinals such as Chigi, Bichi, Nerli, Altieri, Campegna, and Nini
were concerned about papal power. De Luca presented his theory on the limits of
the sovereign power: absolute power did not entitle the pontiff, outside the merits
of sustenance, and with wanton affection toward his relatives, to allow the papal
relatives to accumulate benefices and to attain excessive luxury.26

De Luca’s Systematic Defense of
Innocent XI’s Bull

De Luca, in his systematic report, informed Innocent XI that there was a
variety of opinions expressed by the Cardinals on the proposed bull.27 Some of
the sentiments comprised praise and general approbation, more or less exhorting
the content of the bull, without adding comments. Other Cardinals were not
content with the above-mentioned approval and general praise. They added
comments or cautions; these Cardinals wanted a more rigorous form of the bull.

25 Ottob Lat 792, Cardinals Chigi, Bichi, and Altieri f. 93; Cardinal Albizzi f.99; Cardinal
Azzolino, f. 99v.

26 Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa
(1676-1683) 475; Ottob Lat 792, f 78.

27 Ottob Lat 792, 76-100.
Still others Cardinals agreed with the bull, yet they argued for the addition of other matters concerning good government in the spiritual and temporal principalities. Some Cardinals attempted to disguise their vote with an artificial humility and acquiescence by agreeing in substance, but not in detail. Others still did not approve of the contents of this bull; they offered refutations, while some Cardinals just did not want to change the present system. For every opinion of a Cardinal in favor of a section of the bull, there was an opposite opinion given by another Cardinal.

De Luca’s letter to Innocent XI revealed that the greatest number of Cardinal votes expressed the highest praise and approval of the contents of the bull. Some offered praiseworthy comments; however, they asked for a few cautious and prudent changes and to moderate the bull’s harshness. The Cardinals wished to assure a method that prevented fraud, to avoid sinister interpretation and indirect contravention, and to prevent burdens that this bull does not cover.

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28 Bernasconi, *Il cuore irrequieto dei Papi*, 7: 173. Bernasconi believed that the pope, as head of state, is prince and holds an important temporal power; the pope, as bishop of the world, is the «pater communis» of the Church, the spiritual shepherd. Paolo Prodi, *The Papal Prince - One Body and Two Souls: The Papal Monarchy in Early Modern Europe*, trans. Susan Haskins (Cambridge: Cambridge University Press, 1987). – See Prodi for a detailed explanation of the temporal and the spiritual.

29 Ottob Lat 792, 73-4.

30 ASV, AC Fondo Campegna 37, 63-64 – An Unknown Cardinal believed that the bull is too strict.

31 Ottob Lat 792, 74.
In this summary given to the pope, de Luca attempted to categorize the differing wishes and positions that the Cardinals voiced. De Luca systematically divided these positions into the underlying fears and concerns and delivered these to the pope in a methodical manner.

De Luca compiled and organized all opinions expressed about the bull into six main categories. He reported whether the Cardinals had agreed or disagreed with the content of the bull, and he listed their concerns. The first was the Proemio of the Bull, taken verbatim from the Twenty-fifth Session of the Council of Trent. The second was the disordered state of the finances of the papal treasury. The issue of the elimination of military personnel was the third. The fourth was associated with the ecclesiastical revenues devoted to the relatives and families. The amount of funds allocated for the poor relatives was the fifth. The sixth touched on what it took to make someone successful. De Luca did not directly address this sixth point; however, by rebutting the other issues, he indirectly responded to the sixth point. Other minor issues expressed seemed

32 Ottob. Lat 792.

33 Ottob Lat. 972, 75-76. Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683). Lauro organized these votes in the following categories: praising support; elegant theoretical pretext but empty abstractions that expressed verbal solidarity towards the initiative; an agreement supporting the Bull and sanctioned the measure with great firmness; an unconditional approval with the urgent request to reform other anomalies in the government of the states and of the Church; and a substantial opposition supplied with catastrophic predictions.

34 Madeleine Laurain-Portemer, "Absolutisme et népotisme. La surintendance de l'etat ecclésiastique." Bibliothèque de l'école des chartes 131, no. 2 (1973): 489. In the closing session of the Council of Trent, on 4 December 1563, the bishops wrote, in the twenty-fifth and final session, the duties of "frugality, modesty, continence and holy humility," in prohibiting them "totally to increase and enrich their parents and their familiar with the income of the Church... which are of God," in the an "to remove... this human affection toward their brothers, nephews and close relatives... hence came the source of several evils in the Church."
of little consequence to de Luca, especially those concerning infamy and the
taking of false oaths that many bishops detested and thought were inconsistent
with the dignity of the Cardinals.

De Luca addressed the issue expressed by Cardinals who did not approve
of the *Proemio*. These Cardinals were concerned that the acceptance of the bull
with language taken from the Council of Trent would encourage not only the
heretics, but also some Catholics who were critical of the Church and especially
the ultramontists. They argued that including the *Proemio* in the Bull would
subject the authority of the pope to a general council, thus bringing again the
issue of conciliar theory to the forefront. Others objected because the contents of
the *Proemio* prohibited the bishops from assigning ecclesiastical assets to their
relatives. Still other Cardinals had opposed the bull because the wording of this
decree at the Council of Trent had not been definitive on criminal sanctions, and
many theologians had deduced that those dispositions expressed only a warning
to the bishops and to the ones receiving benefits. Yet another concern was that
the regulatory formulation of the bull would affect the pope more heavily than that
of the bishops.35

According to De Luca, some of the arguments concerning the *Proemio*
were not worthy of consideration. De Luca combined other expressed concerns
of the Cardinals that dealt with distinguishing the differences among the pope,
the bishops, and benefices and addressed those in another section. Other

35 Ottob lat 792, 76-77.
Cardinals had objected that Trent had not quantified the expressed penalties for not obeying the decrees. They argued that this bull sanctions criminals and many theologians, so they deduced that those dispositions expressed only a warning to the bishops and to the benefited; for comparison, the enjoining formulation of the bull would have affected the pope more heavily than the bishops. De Luca then addressed the main issue in the Proemio, that of papal power.

Historian Agostino Lauro points out that the issue of conciliar theory was settled for de Luca and for many others, even though de Luca believed it was still a major concern in the French Church. However, for de Luca, conciliarism was at least a problem with which he wrestled. According to de Luca, some Cardinals attempted to obscure their real reasons for opposing the bull by using the conciliar argument to kill the bull. Because the Proemio of the Bull was taken from the Council of Trent, some Cardinals believed that by accepting the bull, they were acknowledging that a council could bind the pope to follow such a decision, thus giving tacit support to conciliar theorists. The Proemio prohibited bishops to assign ecclesiastical assets to their own relatives. This set as an example for future pontiffs the way they should handle public money and observe the norms of administrative correctness. The adversaries of the Proemio, in particular Cardinal Albizzi, believed that this reference to a council would have

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36 Vat. Lat. 10852, 25-6 in Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683), 471.
37 Ottob. Lat 792, 76-77; Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683) 475-77.
38 Ibid., 475-77; Ottob Lat 792, 74-5.
urged not only the heretics, but also Catholics and particularly the ultramontane to strengthen themselves in the wrong conviction of the preeminence of the council over the pope. This reference might produce a misunderstanding of the indirect legitimization of the Council of Basel’s *Haec Sancta*.39

Cardinal Carpegna believed that it was wrong to subordinate the powers of the pope to a council. Since the first paragraph of the bull was taken from the text of the Council of Trent that discussed the reasonable amount of support for the papal family, then, he thought it should not limit the power of the popes because it came from a council.40 Carpegna added that the *Proemio* of the Bull attempts to do this. In his opinion, this section of the bull imposed restrictions on the power of the pope.41

Bernasconi concluded that de Luca42 argued that the pope is not subject to general councils and that the Council of Trent relates to Cardinals and bishops but not to the pope.43 Bernasconi thought it was suggested that, in the manuscript, Ottob. Lat. 792, the pontificate should keep to the laws and to the decrees of the councils and to the sacred Scripture that proscribed nepotism.44

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39 BAV Chigi C III 70, 499-500 – Albizzi definitively expresses the fact that God is only superior to the pope and is superior to any law.  
40 ASV, Fondo Bolognetti 171, 312v.  
41 Ibid.  
42 BAV, Ottob. Lat, 792, 73-90 - Bernasconi reported this document to be anonymous; however, de Luca is the author.  
43 BAV, Ottob. Lat, 792, 74v.  
44 Bernasconi, *Il cuore irrequieto dei papi*, 7: 88. The abuses of the Tridentine reforms continued after Trent, especially nepotism, Bernasconi’s position on the writing is not correct.
a word, the pope, was a man more near God and was therefore the holier person and more saintly. The pope would still have to respect the written canons that apply themselves to every ecclesiastic, and the pope should not be considered “super legem” (above the law). It is not attributed to the pope to be supreme so that he is raised above everything. The freewill of unrestrained nepotism is not left to him. Above all, the Council of Trent had been taken as an authoritative point of reference in this matter. The decrees, written in full fervor, symbolically embody the correct Christian conduct that also applies to the material nature. All of the men of curia should be held to respect the Tridentine precepts as should the pope.45

De Luca thought the Proemio was appropriate and that the remarks of the dissenting Cardinals appeared unfounded. The Proemio of the Bull did contain regulations that would bind the popes and their successors, however, other rules and regulations could be cited that had been imposed on other popes. Nevertheless, in order to dispel doubts and confusion, de Luca assured Innocent XI that the Proemio passage would be changed according to a draft that he already had arranged.46

De Luca continued by giving his opinion concerning the second category

46 Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683) 471-2; Cardinal Albizzi wrote that the pope is superior to any law. In BAV, Chigi C III 70, 499; Cardinal Carafa informs us that the pope, being the head of the Church, is inferior only to God and that therefore can manage also the ecclesiastical and temporal revenues. In BAV, Chigi C III 70, 491. Cardinal Carpegna expressed serious doubts in his letter to Innocent XI in 1679; to bind future pontiffs with a written Bull. In ASV, Fondo Bolognetti 171, 308v.
of concerns; the weak state of the treasury. Some Cardinals viewed the financial condition of the treasury with concern and gave various reasons for their unease. One Cardinal attempted to draw in a political aspect to embolden his argument. De Luca refuted this because he did not think it seemed plausible because the Church did not govern through politics. Other Cardinals believed that the bull was filled with “make do narratives” and the “usual customary exaggeration” in treating the matters that belonged to the economic part of the government and to the interests of the camera. These Cardinals argued that the Church did possess wealth in every state and that the people of every state and every nation knew this. Thus, the treasury was not weak; they praised the strength of the datary and apostolic chancellery treasuries. These Cardinals wanted to eliminate the false concept and counter this opinion of the starkness of the treasury, so that the heretics and the schismatics could not use the thought of a weak papal treasury to foment a possible scandal. Another concern voiced by the Cardinals was that when the camera became financially sound again, would the law then be changed back? De Luca believed that these opinions and concerns do not deserve much consideration from him now; he would discuss these issues in the fifth category, on whether to give subsidies to the relatives.47

The third category of Cardinal disputations with the bull focused on the military positions given to papal relatives. Almost all the Cardinals agreed that this was not the time to weaken certain military positions and particularly the

47 Ottob. Lat. 792, 77.
generalship of the army, the prisons, and the Castellania di Sante Angelo. Most Cardinals thought it was more important to have experienced leaders and a lesser number of soldiers, rather than to have a great number of soldiers without good leadership. For de Luca, these discourses seemed to be on firm and well-founded underpinning. He agreed that the Church should abolish the large salaries given to relatives who are not military experts. Those who were skilled military leaders should be given an honest salary and one that is proportionate to their rank.48

The distribution of the ecclesiastical revenues to nephews and relatives was the subject of de Luca’s fourth category. Almost all the Cardinals wanted to provide some income for the papal relatives. The amount of these payments remained in contention; how large should these payments be? Some of the Cardinals suggested 12,000 scudi, others 15,000, and still others 20,000. However, the pope could have many nephews and family members, so that a fixed payment for each relative would complicate the payments system. Some Cardinals suggested that the permitted payment should be restricted to a single nephew or relative; however, this restriction shows inflexibility to other nephews and relatives of the pope to obtain ecclesiastical assets. However, this problem could be solved by fixing the total income allotted for those nephews and relatives. This amount should not create a financial burden during periods when only limited revenue sources are available. Thus, all the papal relatives that the

48 Ibid., 77-8.
pope mentions in his will should have a financial distribution by a measure of dignity and of merit. Even if the secular relatives cannot have a benefice, they are eligible for a pension. Most Cardinals believed this general income, for all, was the best position.49

The Cardinals who opposed giving fixed revenues to papal relatives suggested that giving a fixed amount of money to all relatives would cause a great curtailment to papal power. The Cardinals argued that according to the opinion of canonists, the unlimited giving to the relatives had been embraced and constantly upheld by the court of Rome. To force the pope to give fixed incomes to his relatives implied that the he was a simple administrator and distributor. According to de Luca, these last positions contain ambiguous thoughts; he considered these opinions incorrect. According to de Luca, these opinions were submitted without checking the facts. He argued that those Cardinals who supported unequal distributions of incomes to the papal relatives, if imposed, would cause some of the relatives to accumulate benefices leaving these relatives living in luxury, while leaving the others relatives to perish of hunger.50

De Luca’s refutation of this position originated from the Apostles: unus quidem esunt alius autem ebrius est.51

The more difficult category, and one worthy of more mature consideration, is the fifth concerning the subsidy to the poor secular relatives. The Cardinals

49 Ibid.
50 Ottob. Lat. 792, 78.
51 Translation: One exists while the other is drunk; Ottob. Lat. 792, 78.
who did not praise the bull in this part reflected the same arguments that they made in the previous point. De Luca revealed the Cardinals’ opinions fell into four groups. The Cardinals argued that first, this would limit the absolute and sovereign pontifical power; second, that the relatives of the pope themselves would have the burden to work in the fields or to live in state of begging, despicable and plebeian; third, that the relatives would have to give themselves in patronage to secular princes and, because of this, be damned by the Church and the Apostolic See; and finally, that the relatives would have to commit simonies and rely on extortion. These would be the only ways for the poor relatives to accumulate money. According to de Luca’s position, these concerns are not pertinent.52

De Luca summarized all the positions and arguments for and against this bull. He argues that the Cardinals have to understand that this bull is for the greater good, and that it is not possible, in this world, to have a perfect system, completely exempt from some of the bad and from some inconvenience. When a majority of Cardinals is drawn to the idea to abolish or to reform the abuses that have grown old, others must acquiesce for the greater public need.53 Considering, therefore, the good that is to be born from this bull, it is greater, without doubt, than the bad. Primarily, the enforcement of this bull would end things that are near the heretical and schismatic, while the bull itself was based

52 Ottob. Lat. 792, 80.
53 Ottob. Lat. 792, 78-9; Lauro, Il Cardinale Giovan Battista De Luca - Diritto e riforme nello stato della chiesa (1676-1683), 725-28.
on the judgments of theologians, jurists, and politicians. The treasury had been reduced to a critical point where it is able to supply only the exact needs of the Church. Because of the dire financial condition of the treasury, the pope was not able to continue spending money on luxuries, maintaining the status quo. In addition, the Church runs the danger of rebellion and the other evils because of the Church’s financial status.

De Luca points out that the above-mentioned ills and problems presented by the dissenting Cardinals had been considered previously when Pius V wanted to issue the Bull *Admonet nos*. They need not be examined again.

In the service of Innocent XI and of the Church, de Luca used his many skills acquired during his life to reform this same organization. Asked by Innocent XI to help him in the important reform of nepotism, he tried but he could not overcome the objections of the Cardinals. Despite failing in abolishing nepotism, Innocent XI elected him to the Cardinalate where he continued to serve his Church and the pope, as a reform Cardinal, until his death.

Innocent XI understood the difficulties de Luca encountered in the attempt to end nepotism, a practice that most popes had used to their advantage. However, for Innocent XI to accomplish his goals of reforming the Church, he needed to stop the flow of money leaving the church coffers. Nepotism was one of the biggest expenses. De Luca’s work on this reform caused a division within

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54 BAV, Urbin. lat. 1690, 88v. - Cardinal Azzolino indicated that the bull *Admonet nos* did not solve the nepotism problem.

55 Ottob. Lat 792, 80-1.
the College of Cardinals; some favored and some opposed the prohibition.

This division within the Cardinals was based on various factors, some personal and some political. By accepting this task of reforming nepotism, de Luca made himself the focus of the discussion. All Cardinals were to send de Luca their opinions of the proposed bull. He was the compiler and the disseminator of the opinions of this information. After this was accomplished, de Luca sent the compilations of the thought, along with his arguments to Innocent XI for a final decision.

After reviewing all the information, Innocent XI decided that the bull prohibiting nepotism would not be issued. Innocent XI thought that de Luca was fair in his assessments on nepotism. Because of this work and other assistance he gave, the pope elevated de Luca to Cardinal where he continued to assist Innocent XI in his reforms.
CHAPTER 9
CONCLUSION

This dissertation has examined the practice of nepotism in the Catholic Church in the sixteenth and seventeenth centuries. Entrenched nepotism, and the financial drain associated with this practice, would prove to be difficult to eliminate from the Church, requiring an upstanding churchman of the stature of Giovanni Battista de Luca to attempt to bring it to an end. There was an abortive attempt to limit the money given to the papal nephews during the sixteenth century. In the seventeenth century, Innocent XI understood that continuing the practice of nepotism would drive the Church into financial ruin. For this reason, Innocent XI employed de Luca to attempt to limit this financial drain by issuing a bull prohibiting the practice of nepotism. Although this bull was unsuccessful, the work of reform came to fruition under Innocent XII, whose prohibition of nepotism was successful.

The data show that the reform to eliminate or reduce the amount of money given to the relatives of the pope was not a priority for the Church before Innocent XI and de Luca; on the contrary, it was an accepted practice. The discussion of reform, in general, and reform of nepotism, in particular, was not a high priority to the sixteenth-century Church. The pope did not want to call a general council to deal with the reforms being discussed in the Lutheran
movement. The Church took almost twenty-five years to call a legally constituted council. Charles V had to balance both the Protestant and Catholic interests. For that reason, he never called a council. The fifteenth and sixteenth-century popes were also hesitant to call a council because most councils had tried to diminish the power of the pope. The popes realized that limitations had been enacted at the Council of Constance (1414-1418). This council issued the decrees of *Haec Sancta* and *Frequens* that would bind future popes to hold periodic councils. The inability of the popes to control the decrees enacted at the Councils led them to defer calling a council. Pope Pius II attempted to limit the power of the conciliarists by issuing the Bull *Execrabilis* in 1460, which condemned every appeal to the council against papal decisions. Pius II was attempting to limit the influence of the conciliar theorists who believed decisions made in a council were superior to those made by a pope.

In the sixteenth century, the Church focused on Martin Luther and the Protestant movement. The Church attempted to address the reforms demanded by Luther and the Protestants without calling a general council; instead, they convened diets and colloquies. Subsequently, because the split between the Catholic Church and the Protestants could not be reconciled, the pope consented to call the Council of Trent (1545-1563) to firm up doctrine and address the problems that needed reform to address, such as nepotism, uneducation priests, and bishops who were not resident in their diocese.

Although many issues were dealt with at Trent, the reform of the higher
clergy, which included nepotism, did not receive the attention it deserved. Those who would benefit the most from nepotism did not want to have this reform addressed. Pressure exerted by Emperor and pope on the participants of Trent compelled them to complete their deliberations prematurely and close the Council of Trent. This hurried closing of Trent caused the reform issues, like nepotism, to be addressed quickly. The issue of reforming nepotism was not addressed until the twenty-fifth and last session of Trent, therefore leaving little time for discussion and agreement on the proper language for the reform of papal expenditures for relatives. Because of the poor wording of the decree, future popes would then have reasons and excuses not to abide by this nepotism reform. The post Tridentine popes, who did not adhere to this decree on the reform of nepotism, using these unclear reform decrees as an excuse, confirmed this conclusion. Not until the financial situation became critical, in the middle of the seventeenth century, did a pope understand that something had to be done about the financial strain of nepotism. However, when the prohibition Bull of Innocent XI used language from this decree of Trent, some Cardinals objected to the bull and used the same excuses as the nepotistic popes, that the language and meaning was vague and unclear.

Innocent XI realized, because of the lack of money in the treasury, he was not going to be able to fight the Turks and evangelize the world; these were issues he was elected to address. The major drain on papal finances was the abuse of nepotism; the money given to the papal relatives had cost the Church
dearly. To head the effort of Innocent XI to end this abuse and to halt this financial drain, the pope asked his advisor Giovanni Battista de Luca to have a papal bull written to prohibit popes from enriching their relatives to the detriment of the Church. De Luca worked many years generating and attempting to have approved a papal bull that would forever prohibit popes from the practice of nepotisms. Innocent XI set an example against nepotism; he did not allow his relatives to prosper at the expense of the Church.

Innocent XI openly chose not to ingratiate or give money to his papal relatives in excess of what the Tridentine decrees suggested. De Luca carried out in this task of trying to get the Cardinals to accept this bull, however, the Cardinals brought up many spurious reasons for not wanting it. Conciliar theory, finances, and the care of the poor relatives were but of a few of their concerns. As was shown in this dissertation, some thought that if the Church and the pope did not care for their relatives, the relatives would be susceptible to ingratiating themselves to foreign dignitaries, foreign leaders, princes, and kings. These foreign leaders would give money, in return for the papal nephews’ influence in the Church; money from foreign kings would buy influence within the Papal families. These issues were but a few of the reasons put forth by the Cardinals to oppose the bull. However, the real reason was the Cardinals in the curia, who thought that they would be next in line for the papacy, wanted to be able to give large financial gifts to their relatives and with this prohibition they would not be able to do so. This nepotistic tradition, engrained in the Church, was extremely
difficult to eliminate. The question these Cardinals asked was, why should this privilege be taken away now?

De Luca not only was asked by Innocent XI to have a bull prepared on nepotism, but De Luca worked for reform of other problems of the Church. De Luca served Innocent XI as a reformer for four years and then Innocent XI elevated De Luca to the Cardinalate, where he served until his death.

The downfall of De Luca revolved around the issue of Gallicanism. Gallicanism was the French position that claimed that certain rights over the French church belonged to the French King and not the pope. Not only did the French not approve of the decrees issued by the Council of Trent, assuring papal power, they believed that decisions made by a council were superior to papal decisions. De Luca was discredited because it was thought that he did not write a tract against Gallicanism as the pope had asked him to do. However, De Luca did write on Gallicanism and there is an extant document, written by De Luca on this subject.

Misunderstanding continued between King Louis XIV of France and Innocent XI on the authority of the pope over the French Church. The pope asked De Luca to write against Gallicanism and refute the French claims; Innocent XI chose De Luca because he had assisted the pope previously addressing other issues, such as nepotism. De Luca’s manuscript, the *Scrittura*, reflects the various issues of Gallicanism. He writes expressing his opinion as a feudal jurist. De Luca examined Gallicanism in its totality, especially the
agreement that the French Kings and the Church had made over the centuries, such as the Pragmatic Sanctions of Bourges of 1438. De Luca concluded that the French King had accrued some important rights over his Church and the French Church had gained some independence from the Universal Church. De Luca concluded that according to the original agreements that the French had with the Church, the French had obtained certain benefits of the Church. As he traces Gallicanism through the seventeenth century, he writes that Gallicanism is simply a matter of feudal law and it depended on feudal law as to whether rights over the French Church that Louis XIV was claiming were true or not. This was not what the pope wanted to hear. De Luca did not have an opportunity to defend himself because he died shortly after he wrote the Scrittura, the tract on Gallicanism.
APPENDIX A

BOOKS AND VARIOUS MANUSCRIPTS WRITTEN BY DE LUCA,

IN LATIN AND ITALIAN
De Luca was a prolific writer witnessed by the number of books and manuscripts included below. His works are separated by language used and by type in this appendix. There are listed duplicate works that have been printed from sections of de Luca’s two main works, The Theatrum and Il Dottor Volgare. This causes duplication in some of the listing.

Some of the manuscripts listed are difficult to positively identify de Luca as the author; de Luca either did not sign these or the signature was on an attached document. However, because these were not printed and hand written, they can be identified by his distinctive handwriting. This is the most complete list that has been complied to this date. The sources for this list are given at the end of the list in the footnote.

De Luca’s Works Written in Latin

1. Io. Battista De Luca Vernusinus. *Theatrum veritatis et justitiae, sive decisivi discursus per materias seu titulos distincti et ad veritatem editi in forensibus controversiis canonicis et civilibus in quibus in urbe advocatus pro una partium scripsit vel consultus respondit*, Romae Typis Haeredum Corbelletti:

   Lib. I: *De feudis et bones jurisdictionalibus, et Bulla Baronum*, 1669 (con dedica a Clemente IX).

   Lib. II: *De regalibus, hoc est Officiis venalibus, locis Montium, aliisque juribus cum Principe seu Republica, vectigalibus et gabellis, salinis et mineralibus, monetis, viis publicis, fisco, et aliis de quibus in cap. unico quae sint Regalia*, 1669 (con dedica a Carlo II).


Lib. VI: *De dote, lucris dotalibus et aliis dotis appenditiis*, (con dedica al Tribunale di Grazia e Giustizia).


Lib. VIII: *De credito et debito, creditore et debitore*, 1671 (con dedica al Sacro Consiglio di Napoli).


Lib. X: *De fideicommissis, primogenituris et majoratibus*, 1670 (sic) (con dedica ai collegi e alle associazioni degli avvocati del S. Concistoro e della Curia romana).


Lib. XII: Pars I, *De beneficiis ecclesiasticis in genere*. Pars II, *De canoniciis et dignitatiibus*, 1671 (con dedica a Clemente X).


ecclesiastica locali, reali et personali et de Episcopis, Praelatis et Clericis ac etiam de Censttris, Missis, Processionibus et aliis materiis ecclesiasticis. Pars V, Annotationes practicae ad Sacrum Concilium Tridentinum in rebus concernentibus reformationem et forensia, 1672 (con dedica alle Sacre Congregazioni: del Concilio, dei Vescovi e Regolari, dell'immunità ecclesiastica e dei riti « tamquam fontibus a quibus pene omnia in eo contenta manant »).

Lib. XV: Pars I, De judiciis et de praxi curiae romanae. Pars II, Relatio curiae romanae forensis eiusque tribunalum et congregationum, 1673 (con dedica ai professionisti del foro giudiziario).

ALTRE EDIZIONI: Coloniae Agrippinae 1680; Coloniae Agrippinae 1689; Venetiis 1690; Coloniae Agrippinae 1695; Lugduni 1697; Venetiis 1698; Venetiis 1706; Coloniae Allobrogorum 1707; Neapoli 1708; Venetiis 1716; Coloniae Agrippinae 1716; Venetiis 1721; Venetiis 1726; Venetiis 1734; Coloniae Agrippinae 1740; Neapoli 1758; Venetiis 1759; Venetiis 1863.

Indice generale, a cura di N. Falconio, Roma ed. Corbelletti, I, 1680; II, 1681.

Tomo XVI": « Supplementum Miscellaneum super omnibus dictis materiis, circa ea quae pendente impressione disputata sunt, cum observationibus ad plures discursus omnium titulorum ».


3. Theatri veritatis et iustitiae, supplementi pars II in qua agitur: de servitutibus, de emphyteusi, de locato et condite to, de usuris, de cambiis, de censibus, de societate officiorum, de dote, de donationibus, de emptione et venditione, de alienationibus et contractibus prohibitis, de tutoribus et curatoribus aliis que administratoribus ac de credito et debito, Romae, typ. Haeredum Corbelletti, 1677.

4. Theatri veritatis et iustitiae, supplementi pars III in qua agitur: de testamentis, de haerede, de legitima et detracionibus, de fideicommissis, de legatis et de successionibus ab intestato et in fine conflict us legis et rationis, Romae, typ. Rev. Camerale Apostolicae, 167 [sic].
5. Theatri veritatis et iustitiae, Supplementi pars IV in quaagitur: de beneficis ecclesiasticis, de canonicis et capitulo, de parochis, de iurepatronatus, de pensionibus, de regularibus, de matrimonio, de decimis. De miscellaneo ecclesiastic adnotationes ad S. Concilium Tridentinum. De iudiciis et relatione romanæ curiae, Romae, typ. Haeredum Corbelletti, 1677.


7. Discursus illustriissimi et reverendissimi D. Ioannis Battistae de Luca auditoris sanctissimi in materia attentatorum de quibus agi solet inter debitores et creditores super refectione expensarum, Romae, typ. Rev. Cameræ Apostolicae 1677 (pp. 6).


11. Relatio Curiae Romanæ, in qua omnium congregationum, tribunalium, aliarumque juris die tionum Urbis status ac praxis dilucide de scribatur, Coloniae Agrippinae, A. Metternic, 1683.

12. Commentaria ad Constitutionem SS.D.N. Innocentii XI de statutarìis successionibus cum particulis statutorum et legum excludentium foeminas propter masculos tam intra statum ecclesiasticum quam extra illum. Accedit De pensionibus ecclesiasticis ad ornatum Constitutionis eiusdem pontificis de illis ultra medietatem non transferendis cum variis indultis transferendi ac retinendi ecclesiastica pensiones, Romae, apud J. B. Bussotto 1684 (a cura del card. B.)
Pamphili). Altre ed.: Venetiis 1698; Venetiis 1716; Neapoli 1758.


15. *pensionibus ecclesiasticis ad ornatum constitutionis [...] Innocentii XI de non transferendis pensionibus ultra medietatem illarum*, Romae 1684; Venetiis 1716.


De Luca’s Works Written in the Itaian Language

1. *Il dottor volgare, overo il compendio di tutta la legge civile, canonica, feudale e municipale*, Roma G. Corvo 1673. Altre ed: Roma 1683, Colonia 1740; Venezia 1740; Colonia 1755; Firenze 1839-1843.


4. *Difesa della lingua italiana, overo discorso in forma di risposta a lettera d'un virtuoso amico, che sia lodevole il trattare la legge e le altre facoltà*
nella lingua volgare in occasione dell'opera del dottor volgare, Roma, Dragonelli, 1675.

5. Discorso familiare dell'avvocato de Luca per la capacità di tutti anche non professori della facoltà legale (sopra la grazia fatta per la santità di N.S. Clemente X a Francesca Lapi da Pesaro di poter godere l'eredità di suo marito nello stato di seconde nozze, non ostante la proibizione del testatore, con qual occasione si tratta della potestà e regolazione della volontà del principe sovrano circa il togliere la robbia e le ragioni del terzo e a questo pregiudicare, e circa il revocare le grazie e le concessioni), Roma, De Lazari, 1675.

6. Il vescovo pratico, overo discorsi familiari nell'ore oziose dei giorni canicolari dell'anno 1674, sopra le cose spettanti al buon governo delle Chiese et all'ufficio de vescovi e degli altri preti ecclesiastici, contenute negli argomenti registrati nell'anesso indice. Con un Discorso del Vistesso Autore nel fine, sopra la difesa della lingua italiana tirato nel giorno dell'apertura della Porta Santa del corrente giubileo universale del 1675, Roma, Er. Corbelletti, 1675.


10. Discorso, overo avvertimento nella materia degli attentati, come si debba intendere e praticare, Roma, typ. Camera Apostolica, 1679 (pp. 10 nn.).


**Manuscripts Written By De Luca**

1. *Si loda e si difende Torquato perché facesse morire il figliuolo vittorioso per la contravenzione delle leggi. Del signor avvocato Giovan Battista de Luca.*
   *Incipit:* Infelice Torquato dirà chi m'ascolta.
   *Explicit:* richiedono che Torquato trionfi.
   BAV, Ottob. lat. 1744, ff. 226-34.

2. *Del concorso di più persone formali diverse che si verifica nella persona materiale del papa: di vescovo universale della Chiesa Cattolica, di vescovo particolare di Roma e di principe temporale dello stato ecclesiastico in Italia e in Francia.*
   *Incipit:* Havendo io detto in diversi discorsi.
   *Explicit:* un'antica e inconcussa prattica.
   BAV, Ottob. lat. 1945, ff. 182-9.

3. *Del concorso di più persone formali diverse che si verifica nella persona materiale del papa: di vescovo universale della Chiesa Cattolica, di vescovo particolare di Roma e di principe temporale dello stato ecclesiastico in Italia e in Francia.*
   *Incipit:* Havendo io detto in diversi discorsi.
   *Explicit:* un'antica e inconcussa prattica.
   BAV, Ottob. lat. 1945, ff. 182-9.

4. *La nemicizia tra la corte e il principato. Opera di monsignor de Luca auditore di N° Signore Innocenzo XI.*
   *Incipit:* Paradossico senza dubbio.
   *Explicit:* Corti e Principati.
   BAV, Vat. lat. 8194, ff. 234-42; ivi, Farrajoli 759, ff. 49-57v; ivi, Vat. lat. 12073, ff. 96-101; Bibl. Vallicelliana, ms. P. 64, ff. 230-39v.
5. L'odio virtuoso, l'amore vizioso e il silenzio bugiardo.

*Incipit:* La carità senza dubbio.

*Explicit:* assumendo l'anno terzo.

BAL, Cors. 739 (41.D.17), ff. 25-95*; [Il Sommario sta in BAL, Cors. 742 (33.D.14), ff. 228-31, in 102 §§].


*Incipit:* Con qualche frequenza.

*Explicit:* ossequiosa stima verso il Sacro Tribunale.

BAV, Vat. lat. 10852, f. 334.

7. Dell'uso de' patentati e ministri del S. offizio nello stato ecclesiastico.

*Incipit:* Ogni ragione legale, politica e naturale.

*Explicit:* de' senatori da' quali sono formate.

BAL, Cors. 1376 (35.C.8), ff. 121-34 (2ª stesura); Ivi, ff. 135-50v; (la stesura; riordina i fogli: ff. 146-50 + 135-145). BAV, Ferrajoli 759, ff. 65-70; Ivi, Vat. lat. 10852, ff. 335-42v; ASV, Carpegna, vol. 167, ff. 2-8.

8. Anepigrafo [Se il S. officio abbia la privativa nelle cause civili dei propri ministri].

*Incipit:* Nullo canone vel decreto conciliari.

*Explicit:* Tribunalibus Curiae sequitur.

BAL. Cors. 1376 (35.C.8), ff. 163-4.


*Incipit:* Quando ambe le Segnature.

*Explicit:* nel fine della detta annotazione 14.

BAL, Cors. 1376 (35.C.8), ff. 167-70 (2a stesura); Ivi, ff. 171-4 (la stesura).

10. Romana, Taxae viarum.

*Incipit:* Stantibus plerisque decretis.

*Explicit:* in Consultation. et similibus.

BAL, Cors. 1378 (35.C.10), ff. 89-108.

11. Discorso circa la soppressione del Collegio de' Segretari apostolici fatta per la Santità di N° Signore Innocenzo XI.

*Incipit:* Il principe sovrano è esente.

*Explicit:* si è introdotto il principato.

12. *Discorso per la buona regolazione de’ tribunali di Roma.*
*Incipit:* La giustizia nel senso comune.
*Explicit:* che tale giurisdizione loro cagionasse.
BAL, Cors. 1379 (35.C.11), ff. 21-43.

*Incipit:* Cum iste punctus de quo.
*Explicit:* super motivis desuper publicatis salvo semper etc.
ASV, Carpegna, voi. 11, ff. 22-4 e ff. 30-2 (copia).

*Incipit:* In ultima Congregatane.
*Explicit:* ex decreto reformationis Pauli V.
ASV, Carpegna, voi. 11, ff. 38-42.

15. [Minuta della bolla sul nepotismo: prima stesura].
*Incipit:* Aeternus pontifex.
*Explicit:* nulliusque roboris et momenti.
BAL, Cors. 739 (41.D.17), ff. 1-10.

16. [Minuta della bolla sul nepotismo: seconda stesura].
*Incipit:* Animo nostro saepe revolventes.
*Explicit:* se noverit incursurum.
BAL, Cors. 739 (41.D.17), ff. 15-20v.

*Incipit:* Habens in animo.
*Explicit:* elargitiones de quibus agitur.
BAL, Cors. 739 (41.D.17), ff. 97-120.

*Incipit:* Beatissimo Padre.
*Explicit:* come un senato et un rappresentante de’popoli.
BAV, Ottob. lat. 792, ff. 73-90v.

19. *Discursus de iuribus et exemptionibus ac erogativis Legatorum seu Oratorum Principum, Romanam Curiam urando prò idea discursus.*
*Incipit:* Cum ex concordi antiquorum.
*Explicit:* cui integer locus relinquitur.
BAL, Cors. 117 (41.D.18), ff. 302-32v.
20. Vaticana Incubratio de Oratoribus.
   Incipit: In hac praesertim Oratorum.
   Explicit: considerati et cumulari possunt.
   Cors. 463 (36.E.36), ff. 1-238 (copia perfetta).

21. Anepigrafo [Discorso di monsignor de Luca per le
   Principum legati et Oratores.
   Incipit: In Curia Matriti Regis Catholicior introducamiesse fertur.
   Explicit: In Curia Matriti Regis Catholicior introducamiesse fertur.
   BAL, Cors. 117 (41.D.18), ff. 342-9v.

22. Annotatio casuum et respective summarium super dieta triplici
   immunitate contra praetensam hodieam consuetridinem [Legaorum].
   Incipit: Ultra quamplures alios.
   Explicit: alteratio manibus palpatur.
   BAL, Cors. 117 (41.D.18), ff. 333-8v.

23. Discorso per la Congregatane deputata da N° Signore per qualche
   sollievo delle Comunità e de' popoli dello Stato ecclesiastico, diviso per
   maggior commodità in nove capitoli, ciascuno de' quali si dà
   separatamente [segue l'indice dei capitoli; segue ancora una
   dichiarazione].
   Incipit: Con la protesta e dichiarazione.
   Explicit: publica utili tate rependitur.
   BAL, Cors. 1376 (35.C.8), ff. 14-15 (2a stesura); Ivi, ff. 243-4v; (la stesura); ASV, Carpegna, vol. 167, ff.
   232v-4; Ivi, ACI, cod. CCXLVI, pp. 5-7.

   Incipit: Ratio ob quam in Statu ecclesiastico.
   Explicit: illa ubique est eadem.
   ASV, Carpegna, voi. 167, ff. 57-8; Ivi, ACI, cod. CCXLVI, pp. 273-81.

   Incipit: Per la frequenza de' ricorsi.
   Explicit: di specchio e di esempio a' secolari.
   BAL, Cors. 1376 (35.C.8), ff. 5-12 (2a stesura); Ivi, ff. 245-60v; (la stesura); ASV, Carpegna, vol. 167, ff.
   235-9; Ivi, ACI, cod. CCXLVI, pp. 273-81.

26. Cap. II. Sopra la supportatione de' pesi camerali dalle chiese e da
   chierici celibi dell' uno e dell' altro clero secolare e regolare.
   Incipit: Non si dubita che le suddette persone.
Explicit: habbia sussistenza alcuna.
BAL, Cors. 1376 (35.C.8), ff. 17-21 (stesura originale);
CCXLVI, pp. 211-7.

27. Cap. III. Sopra i pesi communitativi da sopportarsi da' medesimi ecclesiastici e se questi debbano intervenire ne' publici Consegli.
Incipit: A questa specie di pesi communitativi.
Explicit: sono considerate in contrario.
BAL, Cors. 1376 (35.C.8), ff. 23-35 (2a stesura); Ivi, ff. 260v-75 (1a stesura); ASV, ACI, cod. CCXLVI, pp. 223-37.

28. Cap. IV. Sopra i chierici coniugati, a quali pesi debbano soggiacere e se debbano intervenire ne' publici Consegli.
Incipit: Molto minore e quasi niun dubbio.
Explicit: dimettere il chiericato e dichiararsi laico.
BAL, Cors. 1376 (35.C.8), ff. 37-9 (2a stesura); Ivi, ff. 275v-6v (1a stesura); ASV, ACI, cod. CCXLVI, pp. 263-4 (1a copia); Ivi, pp. 267-9 (2a copia).

Incipit: Ancorché paia superfluo.
Explicit: ovvero una buona riforma.
BAL. Cors. 1376 (35.C.8), ff. 41-8 (2a stesura); Ivi, ff. 277-86 (la stesura); ASV, Carpegna, vol. 167, ff. 246-50; Ivi, ACI, cod. CCXLVI, pp. 284-92.

Incipit: Da quel che nell'antecedente capitolo.
Explicit: loro coloni e familiari.
BAL, Cors. 1376 (35.C.8), f. 49r-v (originale).

Incipit: In questa specie d'esentione.
Explicit: abolitioone di questi privilegi.
BAL, Cors. 1376 (35.C.8), ff. 51-2 (2a stesura); Ivi, ff. 386v-8 (la stesura).

32. Cap. VIII: De' privilegi e delle esentioni de' soldati di militia.
Incipit: Disputano molto i giuristi.
Explicit: fraudare e danneggiare le Community.
BAL, Cors. 1376 (35.C.8), ff. 53-6 (2a stesura); Ivi, ff. 288v-91v (la stesura).

33. Cap. IX: Dell'uso dell'armi.
Incipit: La materia del presente capitolo.
Explicit: ben regolati in questa materia.
BAL, Cors. 1376 (35.C.8), ff. 57-61v; (2a stesura); Ivi, ff. 292-7 (la stesura).

34. Sopra il capitolo 2° della sopportatane de pesi camerali degli ecclesiastici.
Incipit: Essendosi cominciato a trattare.
Explicit: questi habbiano tale facoltà.
BAL, Cors. 1376 (35.C.8), ff. 83-7v.

35. De collectis solvendis per Ecclesias et personas ecclesiasticas utriusque Cleri, saecularis et regularis prò oneribus carneralibus in Statu ecclesiastico etiam postea acquisitis.
Incipit: Quamvis in hoc puncto.
Explicit: ob dictam rationis differentiam.
BAL, Cors. 1376 (35.C.8), ff. 187-90.

36. Status ecclesiastici onerum. Ad quae onera clerici et ecclesiastici teneantur in Statu ecclesiastico et ad quem pertineat decidere controversias quae desuper oriantur, an ad Congregationem Immunitatis, vel ad illam Boni Regiminis et de ratione ob quam ecclesiastici supponuntur oneribus laicallibus in hoc Principatu et an isti debeant admati in Consilio et potiri muneribus Communitatis et quid de saecularibus exemptis. Votum.
Incipit: Redditio nimium facili.
Explicit: vel in eo interveniant.
BAL, Cors. 1376 (35.C.8), ff. 191-210v.

Incipit: Actum quoque fuit de hoc puncto.
Explicit: de prima specie et principaliter publica.
BAL, Cors. 1376 (35.C.8), ff. 211-26v.

38. La pietra di paragone overo la verità denudata sopra l'Imunità ecclesiastica reale, secondo i sentimenti de' medesimi canonisti e
morali, senza attendere quelli de' secolari leggisii e politici.

**Incipit:** In sentenza comune.

**Explicit:** fondamento imaginabile.

BAL, Cors. 1377 (35.C.9), ff. 1-23.


**Incipit:** Cum prò Italiae pene universalibus moribus.

**Explicit:** Curia semper damnarunt ac damnant.

ASV, Carpegna, voi. 16, ff 7-38.

40. *Discorso sopra il modo da tenersi nell'esame de' Vescovi.*

**Incipit:** Conform'è regola de' bombardieri.

**Explicit:** gli altri ministri pratici.

BAV, Ottob. lat. 1945, ff 228-41v; Bibl. Vallicelliana, ms. G. 50, ff. 593-96v.

41. Caminando con la distintione.

**Explicit:** sproportionato al popolo.

BAL, Cors. 1377 (35.C.9), fL 143-50.

42. *Discorso familiare dell'avvocato de Luca per la capacità di tutti, anche non professori della facoltà legale, sopra la gratiafatta per la Santità di N.S. Clemente X a Francesca Lapi di Pesaro di poter godere l'eredità di suo marito nello stato di seconde nozze, nonostante la proibizione del Testatore. Con la qual occasione si tratta della potestà e regolazione della volontà del Principe sovrano circa il togliere la robbia e le ragioni del terzo et a questo pregiudicare e circa il revocare le gratie e le concessioni.*

**Incipit:** Quel disordine che sopra l'incertezza.

**Explicit:** dal nome di chi l'ha fatte.

ASV, Politicorum, vol. 146, ff 182-98 (ora a stampa, Roma 1675).


**Incipit:** In tutte le cose di questo mondo.

**Explicit:** la prudenza de' miei signori.

BAL, Cors. 856 (41.A.6), ff. 47-55v.

44. *Anepigrafo [An licita et permittenda sit exactio quam facit secretarius Congregationis rerum Consistorialium, ductorum decem de Camera prò quolibet decreto].*
45. *De papali sede vacante* (monco).

   *Incipit:* Triumphales lauros.
   *Explicit:* (caduco): legitimo possessore.
   BAV, Ottob. lat. 1945, ff. 202-12.

46. *De regalia in Ecclesiis vacantibus Regni Franciae.* *Discursus prò peritate, sive via media extremorum conciliatrix.*

   *Incipit:* Extremorum vitium omnium malorum.
   *Explicit:* quae sunt Dei Deo.
   BAV, Ottob. lat. 989, ff. 1-240v.

47. *De regalia in Ecclesiis vacantibus Franciae.* *Discursus*

   *Incipit:* Quamvis in alio discursu. prudentialis.
   *Explicit:* extra causam quaestionis.

48. Anepigrafo [Scrittura del cardinale de Luca data agli altri cardinali della Congregazione sopra la Regalia del Re Cristiano].

   *Incipit:* Regalium sive regaliarum.
   *Explicit:* maturum judicium efformando.

49. *De regalia in Ecclesiis vacantibus Regni Franciae.*

   *Discursus iuridicus prò ventate absque divisione in capituia, vel quaestiones, cum in hoc distinguatur discursus a tractatu; Summarium tamen deserviet loco divisionis, quaestio autem est in paucis, nam restringi tur ad contenta in n. 93 et sequentibus. (In 106 §§).*

   *Incipit:* De rerum vocabulis,
   *Explicit:* separatam exigit inspectionem.

50. Discorso se quelli i quali comprano gli uffizi prelatiti) debbano fare il processo *per la Segnatura di giustitia in conformità delle bolle di Sisto V e Alessandro VII.*
Incipit: Distinguendo i protonotari.
Explicit: bolle e privilegi.
ASV, Misceli. Arm. III, voi. 11, fi. 136-7 [l'attribuz. a f. 11v].

51. Anepigralo [Sulla restrizione delle franchigie doganali ai Camerali].
Incipit: Acciò li Signori Cardinali.
Explicit: sotto le costituzioni revocate.
ASV, Miscell. Arm. XXXVII, voi. 29, ff. 439-42.


APPENDIX B

1676 TRANSLATION OF INNOCENT XI’S PROPOSED BULL

PROHIBITING NEPOTISM
Innocent Pope, Servant of the Servants of God, for a perpetual memory hereof.

December 16, 1676

Having often considered in our mind, that the holy Synod of Trent treading in the steps of the holy Fathers, does altogether forbid, that any one should study to enrich their Relations or Friends, out of the Revenues of the Church’s, and doth admonish them as much as may be, that they absolutely lay aside all worldly affections to Brothers, Nephews, and other of their kindred, which has occasioned many mischiefs in the Church. And the same Holy Synod decreeing, That these things which are spoken in relation to Benefices, as well Secular as Regular, but even by the Cardinals of the Church of Rome themselves, who being of Council to the pope, for the administrations of the affairs of the Universal Church, ought above all to excel in these eminent virtues, and regularity of living, which may deservedly turn the Eyes of all upon them: But the reason holding much stronger, that the pope himself who is placed by the most High in his House, as a shining light on a Candlestick, should keep the wholesome Constitutions of the Fathers, in such manner as to provoke by his example all other Prelates to the observing of them.

Having seriously considered these things, among the manifold and weighty cares of our Pastoral Charge, which (as far as our frailty permits) we daily sustain for the Church, in order to the Salvation of Souls, and the promoting the Works of Piety: We have observed this wholesome discipline, established by
the Fathers, all along from the beginning of our popedom, and with the Lords help shall observe shall observe it as long as we live. But to declare to our Successors what we think unlawful, we have forever firmly Decreed, to establish the same Discipline in this holy See, from which Bishops and other Prelates of Churches ought to take Examples of Truth; being partly led to it by the present Exigencies and narrowness of the Pontifical Treasury, which we do not doubt but is sufficiently known to our Brethren.

Therefor for the glory of Almighty God, the honor of this Apostolic See, and the good example of Prelates and Government in the Church, and also that the Apostolic Chamber may have no damage. We do forever Establish and Decree, That it shall not be lawful, neither for Us, nor for any of our Successors, popes of Rome, by any manner of pretext or color, directly or indirectly, or by any sort of title of Bounty or Free-gift, or for Gain and Advantage in whole, or in part, to dispose of Monies, Places of the Montes, void or not void, set to Sale, and disposed of in consideration of their a Price, or any manner of Rights that do any ways belong to the Apostolic See and Chamber, in fervor of Brothers, Nephews, or others related by Blood or Marriage, or the intimate Acquaintance or Favorites, as well as Our Self, as of every Roman Bishop Our Successor for the time being respectively; and likewise that nothing of this shall be done in favor of those that may be any ways made choice of, and taken into the Family of any pope in the room of Nephews, or other near Relations.

Moreover We Decree, That it shall not be lawful neither for Us, nor for any
of the popes of Rome Our Successors by Apostolic Grant to enrich Brothers, Nephews, and Relations by Blood or Marriage, or any that may be received, or chosen in their place, or Favorites aforesaid, with churches, Monasteries, or any other Benefices or Pensions, of what kind or quality so ever; nor with any manner of Ecclesiastical Incomes, Fruits, revenues, Perquisites, Rights or Profits beyond the merits of any one of them, and the decent maintenance of the Dignity they obtain in the Church; that so a due moderation, and the rules of distributive justice being in all things observed, there may be no occasion of complaining or caviling left to anyone, but the Ecclesiastical Revenue may be distributed to those that labor in the Church of God, according to every ones merit. But if the aforesaid Brothers, Nephews, and other Relations by Blood or Marriage, or those that are chosen and received in their Place, should fall into want, the pope for the time being, in his tender concern and received in their Place, should fall into want, the pope for the time being, in his tender concern, may relieve their Poverty out of out of the Revenues of the See and Chamber aforesaid, in the same manner as he relieves poor Strangers out of the Goods of the Church, which are God’s; but so as the goods of the See and Chamber may not be bestowed on those, or havock’t(sic) or imbezel’d (sic) for the sake of those. But if (which God forbid) the measure of kindness equally here, and wholesomely prescribed, should be exceeded towards Brothers, Nephews, and other Relations by Blood or Marriage, and Favorites, the Bishops of Rome successively may and ought, either at the Instance of any one, or by their own proper motion, to take away
those things that were unduly obtained from them, and to revoke and annul what
is given or freely granted in the way above-mentioned; and herein must be no
place for ill-well or favor, but all things must be reduced to the rule of Apostolic
Equity, besides other Punishments, which may be inflicted at the Will of the pope.
And that as little damage as is possible may accrue to the Apostolic chamber, we
do suppress and abolish the Office of General of the Roman Church, and also of
the government of the City Beneventum, which was used to be paid by the said
Chambers adhering in this both to the sense of the College of Cardinals our
Brethren, in a late conclave, wherein We, by the Grace of God, were raised to
the popedom; and also by a Secret Decree, made by Us in Our Consistory, the
16th of December, 1676. And do We also Establish and Decree, that other
Military Offices, which have been estimated according to changes of the times,
and as we at their present do estimate them, shall not be bestowed with a Salary
or Stipend.

And that all things as is aforesaid may forever remain in their full strength,
We will and command, That as all and singular the Cardinals present have
promised and sworn, as much as in them lies, to observe this Bull, and never to
withstand it, nor to consent to any pope’s acting against it; so likewise that this
shall be done by the Cardinals now absent from the Consistory and Court of
Rome, whenever they shall repair to the said Court, and shall be promised and
sworn to by all future Cardinals when they receive the Hat; and the Oath shall be
added to that which is taken of course by all the Cardinals. And we Decree, that
those that do otherwise, shall thereby incur the pain of Perjury, and perpetual
Infamy Juris & Facti. Moreover We Decree and Ordain, the Cardinals, in the
Vacancy of the Apostolic See, promise by Oath the Observation of the Bull of
Pius V of happy memory, our Predecessor, De non infeudandis, etc. and of
Sixtus V concerning the aforesaid Monies, reposited in the Castle of St. Angelo;
and likewise the Constitutions of other Roman Bishops our Predecessors. So
everyone that shall be Elected pope, after he is elected to the Papal Dignity, shall
promise and swear inviolably to observe this our present Bull of Sixtus V our
Predecessor, in the 11th Section.

And We will, that these Our Letters be drawn into a Libel, and added to
the aforesaid Decrees of Pins and Sixtus V etc. for entry and Publishing, etc.¹

¹ T.L., The Life and reign of Innocent XI late Pope of Rome (London: Printed for Abel
Roper, 1690), 14-16. This document was copied leaving all punctuation and spelling as it was
written.
APPENDIX C

BAV. URB. LAT 1690, FF.88R-103V – TRANSLATION FROM ITALIAN

DECIO AZZOLINO, VOTE CONCERNING THE PROPOSED BULL

ON NEPOTISM OF POPE INNOCENT XI
The reason this document was included in the appendix was that I could find no copies of this document in the English language. I hope by translating this letter, non-Italian readers of this dissertation will be able to understand better the thoughts of this Cardinal on this proposed Bull.

There were many responses by the Cardinals to the Innocent XI's proposed Bull to prohibit nepotism. Decio Azzolino's response is a representative sample of the many voiced opinions. The form of the letters sent to Pope Innocent XI by the other Cardinals maintained this same form. They started with a praise to the pope and then they argued their positions. As in this letter, the Cardinals close with approbation to the pope.

1679, Rome¹

Most Blessed Father,

In order to obey Your Holiness I suppose that I must consider the rough copy of the Bull, being as it has now been appointed to be sent to the Sacred College, that is, for an outline distributed by he who has had the burden of it and has shared it with every Cardinal to hear his opinion of it, so that Your Holiness, with the careful consideration of everything, can resolve that which you will consider to be the best.

Do not doubt that in the Vicar of Christ every excessive fondness towards the flesh and the blood is largely harmful to the Church, both with the damage

¹ BAV., Urb. Lat 1690, ff.88r-103v.
that it causes and with the example. And the effects of this attachment that they feel are regrettable, they show the necessity, that could be remedial for you, and the outcome would be to thank the Lord God for the holy feelings, that He has given to Your Holiness in this part, full of apostolic zeal and paternal charity toward the Church.

Doubt may only fall in the way and in the opportunity of the remedy, because I come to bear the end of the good desired by Your Holiness, being that there are many evils, that although very severe and deplorable, can only get worse with medication.

The question of the moment is very serious, but to heal it well it is necessary to medicate it not where it is coming up, but where it is born; because medicating its roots will come to kill it off, and the cure is wholesome, but medicated where is it is showing with remedies that affect and do not kill, the malign humor overflows into the vital parts and kills.

The past experience is evident. The Bull of non infeudare\(^2\) shut off that plague; but because it took away the manifestation of the malign humor and not

\[^2\] Pius V sought every opportunity of sustaining the power and dignity of Rome. On that subject he published his thirty-fifth constitution, Admonet Nos, which was signed by thirty-nine cardinals assembled in congress, and subsequently confirmed by Gregory XIII, Sixtus V, Gregory XIV, Clement VIII, and Paul V. In this bull it is forbidden to give in fief any city whatever in the Ecclesiastical States, either for life or to the third generation, or to consent to any clause importing alienation. It was ordered that every cardinal, on receiving the hat, or previous to going into conclave to elect a pope, should swear never to allow the derogation of that bull, and to refuse all consent to be absolved from his oath upon the subject. The pope ventured to enjoin it upon future pontiffs to swear to the maintenance and confirmation of that bull as soon as they should be raised to the pontificate; they were to declare that they would take all necessary pains to have it executed in the most complete manner. Montor, Artaud de. *The Lives and Times of the Popes.* 10 vols. Vol. 5. New York: The Catholic Publication Society of America, 1911.
the cause, the closing of that plague made an even worse one open, which has been that one, which is now hurting by fattening the progeny with the blood of the subjects, and renders their weights perpetual and insufferable.

The past is the rule of the future particularly where the nature of the subject is not changed. And consequently it is unfortunate, I do not know if I should say probable or certain, that even closing this vein to the thirst of increasing, which is natural in all men, the self-esteem, which always kindles it larger, will do that which those who turn their backs on the drinking of the most muddy water in order to take away their thirst not only with the opening of the hand to the gifts however holy one might be, but with the selling to the princes and to the private parties the offices, the honors, the pardons and everything that for the utility of the others can come from the papal authority.

And it must be supremely considered, that the path of making their fortune is closed to the relatives of a Pope by his hand, they will want to do it for that, which will remain open to them, which will be that of the Princes, by which unfortunately will be invited to sell themselves at the cost of the poor Church and of their State. And always being able to find themselves a plausible pretext to do that which the Pope gives to a Prince such as war with infidels, either of recuperation, or of the defense of his States by their arms, or under other specious and pious color, will come much earlier by this path to finish exterminating the ecclesiastical State, because to have one hundred for his House the Pontiff must give ten thousand to a Prince, where now to have one
hundred for himself he does not need to raise one hundred to the Camera.

And if the past pontificates could still accommodate the nephews with everything when only by the dominion of the still florid ecclesiastical State, nevertheless for them to obtain a large gift or the protection of a king, one is given so much, how much everyone knows about indulgences and of prejudicial graces to the Holy See; the one would do, or to say better, that one would not do, when there is not another way than that of the Kings to make the whole state of the House, and there will be no other way to obtain it than the giving of that of the Church.

A much worse effect would be that, which necessarily will have to derive from the factions of the favorite Cardinals, since not only in the promotion those will be preferred who are helped the most with money, but to the nephew of a Cardinal accustomed to the rule and left the head of a large faction of Cardinals and of other beneficiaries, seeing his relatives in the condition of private gentlemen will be too insufferable, and in the middle of the invitations, which he will have from the Crowns selling themselves and changing the fortune of their House, it is morally impossible that they resist you. Whence for this way the prejudice is the highest, which will receive the spiritual of the Church and in the liberty of the election of the Pope in the conclaves and in the pontificate of having all the most powerful Cardinals dependent on Princes, which land the papal authority in the deepest depression.

Even worse will be the effect of the large incentive, which the heartache of
the Bull will give to the relatives of the Popes, that the Apostolic See interest itself in wars and unite itself with the Princes in order to acquire their monetary rewards by them, by takings, from fiefs or from States. That which is formidable, and only one time that it were to happen could do much worse to the ecclesiastical State and to the Holy Seat, which is all the bewilderment presents. And those Princes who want to make themselves great at the cost of the Church or have pretensions about the States of her, they will have in their hand a sure blow to satisfy themselves with the giving of a private reward to the satisfaction of the nephews of the Pope.

On the contrary as in these recent times the application of the nephews to enjoy themselves in peace the fruit of this rule, has made them aliens from the taking part with the Princes in war and confederations, like this at the moment the overturning of the interests and the cause, and not being able to draw out of them other advantages for themselves, which for that way, they will wish to make the most of them by making their fortune on the ruin of the ecclesiastical State.

And in every state of person in this court, when hope is missing that is now the object of every House to be able to make its state with the Pope better, which can once touch them, seeing that there are no other means to better their fortune, than that of giving themselves to the Princes, everyone will do, and Rome will become owned by others. And where now the Cardinals with their relatives at least in order to not make themselves an obstacle to the Pope they abstain from selling themselves to the Princes hoping to be able to make
themselves greater by becoming Popes, at the moment the complete opposite will happen, because being there no other way to fatten themselves and their own, than that of the Princes, to these all of them will sell themselves without theme of breaking down the Pope, on the contrary in order to obtain it, because when all of the heads of the factions of the nephews of the Pope will be sold to the Crowns, by the judge only of these will depend on the election, with those the worst consequences that every one of them can imagine. And where the Church has received some damages for the cause of giving to the relatives, it will ruin itself by giving to the Princes who pay to the relatives.

And it is very easy that the necessity and the occasion to make his greatness by means of a great King or a Pope were to induce to make many Cardinals of a faction, either a nephew as boss of a faction to elect a “ultramontane” Pope, which would bring back the Apostolic See beyond the mountains, and in the animosity and the lack of respect, which unfortunately is raised in the Princes toward the Pope, is reduced in this way the Vicar of Christ to the servile state of being the subject and subordinate of a King. And if it would be pleasing to God that they would not have seen of the more rejoined thoughts, which there are, of reducing the Church to this depression.

It is worth saying that he who makes the Bull will do a good thing, and he who will act like this will act badly, and God will be the judge of him; because having the end, to which by obligation are addressed the actions of the Pope, to be the good of the Church and of the subjects, when it is probable that this does
not follow, but that on the contrary a large evil will come of them, I estimate to be accurate under obligations to refrain by that which can cause it, because the cure depends not only on the properties of the medicine, but on the complexion of Hell; the medic who would be willing to have the first at his disposal, without curing himself of the second.

The elective principle of your nature inclines he who possesses it according with humanity to draw it out of them for himself as he can and not caring for that which remains. This has been the cause of the evil that we have. It is necessary however to medicate it on its roots which are humanity with its passions. These are not removed with judgments. And the council, which has wanted to remove them from the bishops, has not imposed that the entrance to the bishopric swear to have not used from it with their own, but is contented to urge them and show to them their debt with the gravity of their instructions and admonitions. Because the judgments about not working leaving alive all of the sources of self-esteem and irritating it with the impediment of the outburst, they do not do other than close the mouth of the mine because it will burst more strongly, and render despicable the judgment and greater the damage and the scandal. That which unfortunately is seen in the scandalous nonobservance of the Bulls, which in every conclave are equally judged and disobeyed for the election of the Pope.

And this is much easier and probable what comes from this Bull, because in its birth it cannot be negated, that it has two great disadvantages, the one that
many esteemed prudent and zealous clergy did not approve, the other that nepotism now finds itself largely justified, and being seen that the evil is not just of the nephews, but a common defect of men, it lives in the disenchanted world in favor of the nephews, indeed it urns for a remedy for them instead of abhorring them. Whereas it is very probable that with the favor of this universal concept is to open a plausible road to the nonobservance of the Bull.

That of Pius Vs non infeudare prohibited only one part, and although it was less difficult that it would have been observed, because it was not doing otherwise, that strengthening a bank twisting the course of the current and closing an outburst, was leaving others open. This closes all of them, whereas it is necessary that the full one rightly shocks and breaks the remedy in the middle with the ruin of everything.

And that which is the worst, the convenient remedy will still be lost, which could give itself to the same evil with profit, that which the opinion of many, more than in the prohibition and in the abhorred and appreciated judgment for unobservable, would consist in the giving and stabilizing with the example a regulated form of keeping the nephews adequately with the most proper measure, as much in authority as in the provisions and in their incomes.

The abolishing of the Generalship of the Holy Church is excessively difficult, because it is repugnant to the nature of the principality and to the obligation of the Prince about this matter to cut off the arm of his defense; and much less can live in a principality in which it is impossible that the Prince
satisfies for he himself to this part.

It is extremely inconvenient that the Generalship be conferred on he who has never been a soldier. And as for me, I believe justly that the Generalship is not to be suppressed, and neither given to the relatives of the Pope, when between these there is no subject, which by justice of merits in the profession of war it is worthy of them. And if there were constitution that ordered like this, it would seem very just to me.

It would not be necessary to restrict it so that, when it would not occur to keep the Generalship of the Holy Church standing, the Pope could not let one of his relatives enjoy, retained with title of Officer of the guards or other, even the emoluments of the expeditions of military positions, convenient income and used for everything and that can be given to them without burden of the Camera.

The support of the necessities of this reform of such positions does not seem convenient, because it cannot, neither ever give a State in order to pay its debts being stripped of that which were necessary to the defense and to its government. Nor must it be of worse condition than a private one, which has not been kept to pay to his creditors if not that, which surpasses its own food. And the food of a State is not the only annona, but that which is necessary to the government, to the defense, to the dignity and majesty of the principality, and to all of the obligations of the Prince, the army and performance of those, as the actions of the spirit in the body, maintain the life of the State and are truly its

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3 Portion assigned to a group
food. That which must definitely have a place in a State, the debts of which to be a large part were not converted into its usefulness, but that of others.

The power to enforce, which the Popes must take away from the relatives and even from the relations of their predecessors, as it was given to these men over the measure of merit, as the 60th line orders “Si vero etc.”, could well have a place when it were stabilized and prescribed a precise quantity of entrance of the giving to relatives and family (that which is difficult), but when there is no other rule in place than the estimation of merit, which can receive much alteration and diversity from the variety of the notices and the apprehensions, and much more from the passions; this will be a perpetual sources of scandal and of quarrels and inevitable persecutions. So much more, that a Pope being able to reward a relation for merit, which he were to have acquired with offense or disgust by a Prince or by a Cardinal or by an ambassador or by another, as is mostly the case; then the Pope coming that same way, with offense from that of another from his bias the merit has been acquired, the first rewarded deed will become demerit and he who made it will be stripped of everything. Other than being the estimation of the merit in the mind of the Prince and however hidden to others, it will happen very often, that by others he will be esteemed excessively, never may an honest man enjoy in peace that which by a Pope by reason of merit and of service was given to him.

That of the 8th paragraph uses the judgment of the Cardinals with the obligation of not allowing the Popes to convene and to not accept the absolution
of the judgment, I think to be obligated to very humbly represent Your Holiness, that you perhaps may seem very harsh. And if you were in the place of the Bull of non infeusare, it could have been, because the Cardinals consented spontaneously to submit to every constraint, but that in one thing, which a Cardinal does not learn that it is service of the Holy See, and above that by intrinsic obligation and truly to his dignity would be to must express your opinion to a Pope, that he was looking for it, you swear to not accept the absolution of the judgment to be able to say it, and make this judgment not of your desire, but forced by the Bull, by the precept of Your Holiness or by my reverential, which induces the desire, and the majesty of Your Holiness has given material to discuss if there is authority to make this happen.

All of these considerations and many others that could be deduced have persuaded many and will even persuade me, which the most opportune means to follow the desired end were the forming into practice and example of moderation and convenient measure for the use, provisions, and incomes of the nephews as secular as if ecclesiastical; or wanting like this to make the Bull, it is with the prescribing of a certain quantity of taking and such provision, which reducing the excess while leaving what is enough to take away the need from them and the pretext of selling themselves to the Princes or procuring for other worse ways the proper increase, and place the nephews in a state that they do not have to serve the Pope badly for that which they can fear and hope of others.

I have heard talk that doing such as this is not reputed to be expedient not
coming to approve and canonize a certain quantity by the giving to the nephews.

If this reason is taken to prove that in this material it is well to not make the Bull, but to content themselves to make a good example and leave that the Popes provide to their conscience conforms to the debt, which they have from God, and from the obligation of their office, the argument is the best and ends very well. But if it is taken to make the Bull, as it is laid out without expressing the most certain of account, I think to be of the most damage and of the worst consequences, because the Bull in its current proposed form concedes to nepotism much more than that which could be prescribed to them, and canonizes that which one wishes to remove, in a way that the future Popes will be able to do without minimum scruple and as execution and practice of the reforming of that, which without serious synderesis and scandal have not been able to end until now. This is that which seems evident and inevitable to me for the following reasons.

In the first paragraph, after having proposed this that the Council prescribes to the bishops against excessive love toward their relatives, Your Holiness says that you have severely kept that discipline “salutarem illam disciplinam a Patribus constitutam (et) severe custodivimus.” That which is extremely true is evident to all.

Then it is said in the 2nd paragraph: “Quae autem nobis licere non patimur, ea successoribus nostris indicare (et) stabilire decrevimus”, in a way that Your Holiness wishes and firms, that your successors do that which you
have done, and that in so doing it they will carry the Bull. And this is just, it is necessary, while it is certain that Your Holiness has done much, it is only that which you have thought to be permitted and you completely conform to the discipline that you prescribe.

At the meeting Your Holiness rose to the pontificate without giving a position to Signor Don Livio, for this a proper title agreed with him, but only for being nephew of Your Holiness you made him assume and receive the title of Excellency and be from that with the inferiors, with the equals and with the superiors, and has been ascribed by the Republic of Venice to that nobility. The Signora Donna Giovanna, his sister, married in Milan, did similarly; rather the court said and believed that by order of Your Holiness to her husband given by all the Cardinals, as it was the correct way. And in consideration of the nephew of Your Holiness he has received wages worthy of the Catholic King.

All of this stops and stabilizes, that without having position, office, nor other qualification therein, for the only assumption of the Pope, your nephews have of your nature the treatment and title of Excellency. That which is very just and conforms to every reason, because as becoming a Bishop or Cardinal all of the men recognize by debt the changing treatment with the nephews of him, like this becoming a Pope, which means being not only the highest ecclesiastical Prince, but a great temporal Prince, repels to the rational nature of men, that your relatives are treated as the first, nor is its doing in the power of the Pope himself, because not only the inferiors and the equals, but the Princes and the Kings wish
to do differently, and the opposite in practice cannot succeed.

This place, in the 5th paragraph of the Bull states that if the nephews of the Pope will be poor, he may recollect them of every sort of income of the Holy See “pro timorata sua conscientia,” as it is convenient with the other poor outsiders, and this is equally very just and very holy.

But the poverty that each does not have, neither can it have another measure, which according to your rank, whence when is stopped, which the rank of the nephews of the Pope is of Excellency, and for the reason and the example of the Pope himself the author of the Bull, it follows necessarily that from the Pope it is possible to give to his relatives that which is missing according to every rank of Excellency, which is not only according to the largest measure of theology, but according to the civil and just common estimation there will be at least over 20,000 scudi of income, with that which is the most for the buying of a proportionate house, stable and wardrobe will be necessary. And this will be the doing of the Pope even the first year, because this that is given for alms, how much is given sooner and more laudable and praiseworthy. And that which is more important for the identity of reason will come together repeatedly to all the nephews of the Pope, because the title and treatment of Excellency agreeing equally to everyone, with everyone the rule of providing will enter according to their grade, and much more when a Pope were to have many nephews, sons of more brothers, increasing the need of the number. And for the same reason it will be necessary to provide the females with dowries of Excellency. And when all of
these motives are missing, that of taking form a King will not be missing (as nobility is bestowed on the Venetians) a character and a quality either of a cavalier of the Holy Spirit, or of the Tosone, or a Grandato, or from the Emperor a declaration of Prince of the Empire, or other that constitutes the nephews and the relatives of the Pope in a poor state in their rank. Rather much more than these, which can now provide for me, will be the manners, which will know to find the interested industry and the greedy ambition of the Rulers, and the ingenious flattery of the political and theological suitors.

And like this where the first back before the Bull in order to accommodate his case a Pope needs to live a long time, and started and continued little by little, and endeavored to do so more for other means than for that of the money of the Church, now removed the erubescence and baptized the blame for alms, the first day will be able of every sort of revenue of the Camera and Apostolic See, even of the matrimonial, to provide for every measure his House, observing the Bull to the letter.
To attempt to compare the value of currency used during the sixteenth and seventeenth centuries to the twenty-first century is almost impossible because of various inflation rates, the ratio of silver to gold prices, and the value of various hired positions. One can more easily compare the value of a variety of legal tender used in different towns and countries in the sixteenth and seventeenth centuries. For that reason, this discussion will show only comparative values.

Francesco Guidi Bruscoli informs us that in the 1530s and 1540s, two gold coins were mainly used in the Papal States: the first scudo d’oro in oro and the gold cameral ducat. While the fineness of the latter reached 1,000/1,000 (24 carats), that of the scudo d’oro in oro was 91.67 percent (22 carats); this, added to the different weight of the two coins, implies that the ducat was worth somewhat more than the scudo. Both the gold cameral ducat and the scudo d’oro were issued with the value of 10 giuli, a silver coin that had been the fulcrum of the monetary reform carried out by Julius II in 1504.¹

Comparing various professions of this period gives a relative evaluation of workers' value. The lowest social categories survived with twelve scudi of silver for the year; that represented the earning of a washerwoman. A ships doctor on a papal galley earned 216 scudi yearly; a barber or a caulker earned sixty scudi; a soldier was paid forty-eight; a musician eighty-four; and a cavalryman ninety-six.

During the middle of the seventeenth century, a single scudo would buy: twenty kilograms (kg) of wheat; one liter (lt) of oil; three kg of mutton; four kg of lamb; or five liters of white wine. The ordinary confessor of the Benedictine nuns of Field Marzio in Rome, received 150 scudi in a year, a lawyer received twenty-four, and a prosecutor sixteen scudi. The nuns of the Benedictine monastery of Saint Ambrose in 1664 each lived on about ninety scudi per year, while around 1650 the annual expenditure per capita in the orders' monasteries in Italy, fluctuated between eighty-three and 134 Roman scudi.

Bernigni reveals that the Byzantine monetary system is followed in the papal coinage until the reign of Leo III, after which the system of the Frankish Empire. John XXII adopted the Florentine system and coined gold florins; the weight of this coin, however, varied from 22 carats to 24, until Gregory XI stabilized it at 24 carats. However, deterioration came again, and then there were two kinds of florins, the papal florin, which maintained the old weight, and the florin di Camera -- the two being in the ratio of sixty-nine papal florins; equal to 100 florins di Camera; one gold pound; or ten carlini. The ducat was coined in the papal mint from the year 1432; it was a coin of Venetian origin that circulated with the florin, which, in 1531, was succeeded by the scudo, a piece of French origin.

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4 E Boaga, La Soppressione Innocenziana Dei Piccoli Conventi in Italia (Roma: 1971), 56.
that remained the monetary unit of the Pontifical States. At the same time, there appeared the zecchino. The ancient papal florin was equal to two scudi and eleven baiocchi (one baiocco equals 0.01 scudi); one ducat was equal to one scudo, and 9 baiocchi.  

Laura Nussdorfer gives a comparison of weights and money used in Rome:

Money

Scudo = money of account, equivalent to 100 baiocchi

Giulio = ten baiocche

Baiocco = 1/100 of a scudo

Quattrino = 1/5 of a baiocco

Weights

Onica = 28.2 grams

Libbra = 0.339 kilograms

Rubbio = 640 libbre; as a measure of capacity also equivalent to 2.3 hectoliters.  

Peter Partner summarizes the use of money in the fifteenth and sixteenth centuries. The Pope issued both gold and silver coins. From the late fifteenth century.

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century until 1530 the main gold coinage of the papal mint was the ducat known as the “gold ducat of the Chamber” (so called from the Apostolic Chamber, which was the main financial bureau of the papacy). These ducats were approximately the same in value as the older gold money known as the “gold florin of the Chamber,” which continued to be used as a money of account. In 1530, the papal mint issued a new gold coin, the scudo (properly the scudo d’oro in oro). The scudo was of slightly less value, though not substantially less, than the earlier papal ducat. The main thing is to know that the scudo, ducat, and florin were all roughly of the same value.7

To see the dichotomy of annual incomes of a private and Church employee one can look at an ultramontane nuncio and a schoolmaster. The former was paid 230 ducats a month -- the later had to live on twenty-five to thirty ducats per annum.

APPENDIX E

SEVENTEENTH CENTURY INNOCENT XII (1691-1700) CONSTITUTIO

ROMANUM DECET PONTIFICEM, 22 IUNII 1692. INNOCENTIUS

EPISCOPUS SERVUS SERVORUM DEI,

AD PERPETUAM REI MEMORIAM
Romanum decet Pontificem, tamquam fidelem servum et prudeutem quem constituit Dominus super familiare suam, in Ecclesiae catholicae conspectu actum suum ita ordinare, ut ipse quidem in diebus suis placeat Domino et inveniatur iustus, fiatque forma gregis ex animo, et bonus sit Christi odor in omni loco; ceteri vero antistites et ecclesiarum preclari, in partem sollicitudinis, cuius ei commissa est plenitudo, vocati, aliique christifideles, quos curae suae divinitus creditos in visceribus paternae gerit charitatis, eius exemplo atque praeeptis, caduca mundi huius despicere, carnisque et sanguinis laqueos effugere, ac de bonis et rebus ecclesiasticis iuxta aequitatis et iustitiae leges disponere, et spiritualium remigio alarum ad caelestia contendere atque evolare, auxiliante Domino, condiscant. Hinc ad ea sacrorum canonum instituta, quae episcopis, ne bonis et redditibus Ecclesiae consanguineos suos augere studeant, interdicunt, considerationis nostrae aciem convertentes, eam nobis in suprema beati Petri apostolorum principis, cui caro et sanguis non revelavit, Sede constitutus, ab ipso pontificatus nostri primordio servandam proposuimus, et hactenus, Deo adiuvante, servare studuimus disciplinam, ut, in honorum et reddituum ad hanc Sanctam Sedem et Cameram nostram Apostolicam spectantium distribufione, iustitiae atque prudentiae leges et regulas accurate custodientes, summam meritorum, nullam autem carnis et sanguinis aut cuiuscumque humani affectus rationem haberemus. Et licet in Dei misericordia speremus, tales nobis
successuros Romanos Pontifices, qui non minus hac in parte, quam in reliquis munus suum impleant, et Ecclesiam universam spiritualium aromatum odore perfundant; nihilominus ea, quae nobis licere non patimur, aliis indicare, salubremque in S. R. E. omnium ecclesiarum matre et magistra circa praemissa normam et legem constituere atque stabilire decrevimus.

§ 1. Habita igitur super his cum veneralibus fratribus nostris eiusdem S.R.E. cardinalibus deliberatione matura, ac de illorum consilio pariter et assensu, ad omnipotentis Dei gloriam, Apostolicae Sedis honorem, ac antistitum, praelatorum, aliorumque ecclesiasticorum aedificationem et bonum exemplum, hac nostra perpetuo valitura constitutione statuimus atque decernimus, salutarem hanc de celere in dicta S. R. E. servari rationem atque disciplinam ut nec a nobis, nec ab ullo Romanorum Pontificum successorum nostrorum, ad favorem nostrorum sive suorum respective fratrum, nepotum, aliorumque quorumcumque consanguineorum, seu affinium, sive illorum quos in locum nepotum aliorumque consanguineorum per cooptationem in familiam aut aliter adlegi seu adscisci continget, de bonis, pecuniis, locis montium vacabilium et non vacabilium, officiis venalibus, illorumque pretio, creditis, redditibus, rebus et iuribus quibuscumque ad Sedem et Cameram praefatas quovis modo spectantibus vel quandocumque spectaturis, etiam ex emolumentis Datariae, Cancellariee Apostolicae, Secretariae
brevium, spoliorum ecclesiasticorum, et quarumcumque palatii apostolici
portionum seu distributionum provenientibus, liberalitatis et donationis
allevo quovis gratuito seu lucrativo titulo, directe vel indirecte, etiam
servitiorum et meritorum, quae tamen talia non sint ut ex lege iustitiae
eam exigant remunerationem, aliove quolibet colore seu praetextu, sive
etiam supra veram ipsorum servitiorum et meritorum rationem, ullo modo
in posterum disponatur.

§ 2. Quod si fratres, nepotes, consanguinei, vel affines, seu illorum loco adiecti
sive adsciti praefati, inopia laboraverint, poterit Romanus Pontifex pro
tempore existens, pro timorata sua conscientia, illorum paupertatem
eodem omnino modo sublevare, quo pauperum extraneorum inopiae
subvenire fas est.

§ 3. Ne autem, quod directe prohibetur, indirecte permittatur, magnorum pluribus
stipendiorum seu honorariorum nonnullis Sedis praedictae officiis seu
muneribus (quae consanguineis vel affinibus seu adlectis vel adscitis
praefatis concedi ut primum consueverunt) assignatarum ratione,
stipendia, provisiones, sive salaria et honoraria, et alias quomodolibet
nuncupari solita emolumenta quaecumque, quae antehac per Cameram
praedictam in civitate Avenionensi et comitatu Venayssino nostris in
spiritualibus et temporalibus vicario generali ac in illis et vicinis quinque
provinciis eiusdem Sedis de latere legato praestari et solvi plerumque
solita et consueta fuerunt, superintendentis vero generalis negotiorum
Sedis Apostolicae, nec non totius militiae tam equestris quam pedestris
Status nostri Ecclesiastici gubernatoris et capitanei generalis. itidemque
classis et triremium pontificiarum praefecti, illiusque et illarum commissarii
et locumtenentis generalis, arciumque et turrium ad littora maris tam
Adriatici quam Thyrreni existentium superintendentis generalis, praefcti
quoque generalis utriusque custodiae corporis Romani Pontificis, eiusque
locumtenentis generalis, item castellani Arcis S. Angeli de Urbe
gubernatoris, ut alis deputabatur, civitatis Beneventanae (cuinis tamen
gubernium ad instar aliorum praedicti nostri Status, prout
impraesentiarum servatur, remaneat) et arcis Beneventanae praefecti,
item gubernatoris oppidi nostri Civitatisvetulae, ac demum Perusinae,
Anconitanae et novae Asculanae respective arcium praefecti seu
castellani officia et munera ipsa, cum omnibus et singulis illorum et
cuiuslibet eorum iuribus, praegogatavis, stipendiis, salariis et emolumentis
quibuscumque, perpetuo supprimimus et abolemus, illaque deinceps
quomodocumque et quandocumque renovari prohibemus, nec cuquam
de cetero assignari et praestari seu concedi et conforti respective
volumus atque decernimus. Quod si pro rerum qualitate, temporumque
contingentia, manifesta ursensque necessitas munera seu officia militaria
huiusmodi vel aliqua ex eis de novo institui exegerit, viros ad illa assumi
volumus et mandamus strenuos et fideles, eximia virtute praestantes,
reique militaris apprime peritos, et in illa diuturno ac probato usu
exercitatos, quibus Romanus Pontifex pro tempore existens, secundum datam sibi a Domino sapientiam, pro ratione laboris, industriae, atque periculi, competentia et congruentia stipendia assignabit. Porro si nostri successorumque nostrorum Romanorum Pontificum pro tempore existentium fratres, nepotes et alii quicumque consanguinei, seu affines, sive veri, sive, ut praefertur, adlecti et adsciti, virare ecclesiasticam elegerint, ac ecclesiarum et monasteriorum, aliorumque beneficiorum et officiorum ecclesiasticorum, ac annuarum pensionum super eorum fructibus consecutionis capaces fuerint, eam in reddituum et proventuum ecclesiasticorum distributione eis facienda servari volumus moderationem, ut nonnisi iuxta eorum merita et non ultra congruam pro (1) gradus vel dignitatis, quem vel quam in Ecclesia obtinuerint, nullo ad consanguinitatem, afiinitatem, seu adlectionem erga Romanum Pontificem habito respectu, sustentationem, eiusmodi redditus et proventus ecclesiastici eis distribuantur, quo, custodita in omnibus ecclesiasticae disciplinae atque iustitiae distributivae regula, nemini relinquatur conquerendi vei obloquendi occasio. sed ecclesiastica sti pendia ministrantibus in Ecclesia Dei aequa lance pro uniuscuiusque merito assignentur.

§ 4. Quoad illos autem ex fratribus, nepotibus, aliisque consanguineis seu affinibus Romanorum Pontificum pro tempore existentium praefatorum, sive veris, sive, ut praefertur, adlecti et adscitis, quos, eximiis eorum ita
exigentibus meritis, ad sublimem cardinalatus dignitatem assumi contigerit, eam quoque de cetero servari volumus moderationem, ut ecclesiae, monasteria, commendae, aliave ciusvis generis beneficia et officia ecclesiastica ac pensiones annuae super illorum fructibus unicuique eorumdem respective conferenda, commendanda et concedenda, ac reservandae et assignandae, verum valorem annuum duodecim millium scutorum monetae romanae, computatis insimul beneficiorum et officiorum quibuscumque fructibus et pensionum quantitatibus, in totum non excedant: in ea tamen taxatione non comprehendantur emolumenta officiorum eiusdem Apostolicae Sedis et Romanae Curiae S.R.E. cardinalibus demandari seu concedi solitorum, aliorumque nunecrurum, quae ipsis non ad vitam vel in perpetuum, sed ad tempus sen beneplacitum Romani Pontificis pro tempore existentis demandata seu concessa fuerint. Declarantes, quod deinceps praefati, qui vitam ecclesiasticam elegerint, seu ad sublimem cardinalatus dignitatem fuerint assumpti, quoscumque titulos fructuum reservationibus gravatos, sive praeeventivas vel eventitias pensiones, ultra moderationem ut supra respective praescriptam, nullatenus assequi valeant.

§ 5. Quod si forsan (quod absit) modus circa praemissa sic congruenter salubreterque praescriptus in posterum excedatur, curae erit Romanis Pontificibus successoribus, donationes gratuitas, seu hcrativas dispositiones, excessivas subventiones, munerum et officiorum seu
illorum stipendiorum et emolumentorum concessiones, ac reddituum et proventuum ecclesiasticorum distributiones, necnon collationes, commendas, concessiones, reservationes et assignationes, aliaque praemissa, contra vel ultra modum ut praefertur praescriptum factas seu facta, rescindere, revocare et in nihilum redigere, ac ut praefertur donata, elargita, concessa, collata, commendata, reservata et assignata a consanguineis et affinibus, sive veris, sive adlectis et adscitis praefatis, eorumque haeredibus et successoribus respective, etiam manu regia et de apostolicae potestatis plenitudine vindicare et auferre, ac Camerae Apostolicae applicare et incorporare, aliisque respective conferre, commendare, concedere et assignare, ac alias desuper opportune providere seu disponere.

§ 6. Quia vero aegrotante Romano Pontifice nonnunquam contigit ut signaturae gratiarum, quae per concessum fieri dicuntur, modum illum excederent, quem ipse Romanus Pontifex, dum bene valebat, serrare consueverat; statuimus atque decernimus, ut ii, quibus eiusmodi signaturas per concessum a Romano Pontifice aegrotante, etiam per chirographum speciale manu ipsius Romani Pontificis subscriptum, vel alias quomodocumque committi contigerit, cuiuscumque status, gradus, ordinis et dignitatis fuerint, etiamsi cardinalatus honore praefulgeant, nullas huiusmodi gratias signare vel expedire valeant, nisi fuerint ad illas adhibiti duo eiusdem S. R. E. cardinales, qui, una cum signatore praefato coram
ipsomet Romano Pontifice eas concedente ac expediri mandante,
earumdem gratiarum supplicationibus sive minutis aut chirographis
aliisque concessionum scripturis subscribant; alioquin, quidquid secus
actum gestumve fuerit, nullum, irtitum et invalidum, nulliusque sit roboris
vel momenti; et qui huic saluberrimae sanctioni contravenerint, ab ipso
Romano Pontifice sanitati restituro, vel eius successoribus, condignis
poenis puniantur.

§ 7. Ut autem praemissa omnia et singula perpetuo et inviolabilit4r observentur,
volumus et apostolica attctoritate decernimus, ut, sicut eiusdem S.R.E.
cardinales in Romana Curia praesentes hanc constitutionem quantum in
eis eis observare, illique non contravenire, nec ullis controfacientibus,
etiam Romanis Pontificibus, consentire, nec absolutionem a iuraramento
praestito petere, nec oblatam aut concessam acceptare promiserunt et
iurarunt, item quoque per absentes ab eadem curia dictae S.R.E.
cardinales, quandocumque ad eam advenerint, ac per futuros cardinales
in assumptione pilei promitti et iurari debeat, promissioque et iuramentum
huiusmodi in formula iuramenti per eosdem cardinales praestari soliti
adiungantur et adscribantur. Occurrente autem quandocumque eiusdem
Apostolicae Sedis vacatione, iidem cardinales in conclavi, quando de
observandis felicis recordationis praedecessorum nostrorum Iulii Papae
II, super electione Romani Pontificis, Pii Papae V, ne civitates et loca
S.R.E. infeudentur, et Sixti Papae V, de pecuniis in Arce S. Angeli positis
inde non amovendis, aliisque nonnullis constitutionibus apostolicis
iuramentum praestare solent, etiam de praesenti constitutione per
quemlibet eorum, qui Romanus Pontifex electus fuerit, inviolabiliter
observanda, et postimodum ipse ad supremi apostolatus officium
assumptus, post assumptionem huiusmodi, hoc ipsum promittere et
iurare debeat, servatis etiam aliis omnibus et singulis illis, quae circa
iuramentum huiusmodi in praefata Sixti praedecessoris constitutione,
anno Incarnationis dominicae MDLXXXVI, XI kalendas maii, pontificatus
sui anno I edita, praescribuntur.

§ 8. Has quoque nostras litteras in libellum redigi, et post praedictas Iulii, Pii et
Sixti, quae in conclavi legi solent, aliorumque praedecessorum nostrorum
constitutiones adiungi, et in quaterno Cancellariae nostrae Apostolicae
una cum aliis constitutionibus apostolicis adscribi et ad valvas ecclesiae
Lateranensis, basilicae Principis apostolorum, dictaeque Cancellariae, et
in acie Campiflorae de Urbe publicari, ipsarumque praesentium litterarum
transumptis, seu exemplis, etiam impressis, manu alicuius notarii publici
subscriptis, et sigillo personae in ecclesiastici dignitate constitutae
munitis, eamdem prorsus fidem tam in iudicio quam extra illud ubique
haberi volumus, quae iisdem praesentibus haberetur si forent exhibitaebel
ostensae.

§ 9. Nulli ergo omnino hominum liceat paginam hanc nostrarum constitutionis,
suppressionis, abolitionis, taxationis, statutorum, decretorum, voluntatum
et mandati infringere, vel ei ausu temerario contraire. Si quis autem hoc
attentare praesumpserit, indignationem omnipotentis Dei ac beatorum
Petri et Pauli apostolorum eius se noverit incursurum.

Datum Romae, apud S. Mariam Maiorem, anno Incarnationis dominicae
MDCXCII, X kalendas iulii, pontificatus nostri anno I.

Dat. die 22 iunii 1692, pontif. anno I.
APPENDIX F

INNOCENT XI’S PROHIBITED ACTIONS, MARCH 2, 1679
The following is not an exhaustive list of prohibited actions suggested by Innocent XI. When it was published in March 1679, it sent a strong message to the Church official indicating what reforms the new Pope expected. This list formed the base of reforms with which Innocent XI and Giovanni de Luca worked.

And having gathered out of several writings divers doctrines which appeared to be pernicious in practice, and scandalous to the profession of Christianity, frequently and exactly discussed before his holiness; on mature consideration, it was on the second of March 1679, appointed and decreed, That the following propositions, and every one of them, shall be damned and prohibited; not intending by this decree to approve other propositions of the like nature not here expressed.

1. That it is not unlawful in the administration of the sacraments to adhere to a probable opinion touching the validity of the sacraments, rather than one that is more safe, unless some Law or agreement, or the hazard of some grievous damage to be sustained thereby may prohibit it. Hence it appears that an opinion only probable is not to be followed in conferring baptism, or ecclesiastical orders.

2. That a judge may give sentence according to an opinion less probable.

3. When we do anything, relying upon its probability, whether it be intrinsical, that is, grounded on reason; or extrinsical, viz, grounded on
authority, be it never so little, so we do not go beyond the bounds of probability, viz, to that which is apparently false, we act always prudently.

4. That an Infidel that will not believe, led by an opinion left probable, shall be excused from his Infidelity.

5. That a man is not to be condemned of mortal sin, that never had any act of love to God, but one alone, in his whole Life.

6. That it is probable that the command of loving God doth not of itself oblige, not every fifth year rigorously.

7. Its only obliging to us when we must of necessity put ourselves into a state of justification, and have no other way by which we can be justified.

8. It is not a sin to eat and drink for pleasure, even to satiety, if it be not prejudicial to our health; for the natural appetite may enjoy lawfully its proper acts.

9. The site of marriage for pleasure alone is free of all fault, even of a venial failure.

10. We are not obliged to love our neighbor by an internal and formal act.

11. By external acts only we may satisfy the command of loving our neighbor.

12. Secular persons (the Kings) can hardly be said to abound; so that if one is only bound to give out of their abundance, there is scarcely any
one obliged to give alms.

13. Without mortal sin one may be troubled for the life of another, so it be done with moderation; and one may rejoice at his natural death, and wish and desire it with inefficacious desires, if it be not our of dislike of his person, but for some worldly advantage that may accrue thereby.

14. It is lawful absolutely to desire the death of one’s father, so it be not desired for his hurt, but for the good of him that wishes it, that he may have thereby possession of good Inheritance.

15. A Son may lawfully rejoice for the murder of his father, though committed by himself, if he were drunk when he perpetrated it, in respect of the increase of his Wealth by gaining his Inheritance.

16. Faith doth not seem to be under any particular or absolute command.

17. One act of faith is sufficient for one’s whole life.

18. Upon examination before a magistrate, I advise the party ingenuously to confess the faith, both for the glory of God and that; but I do not condemn silence as sinful in it elf.

19. It is not in the power of the will to make the assent to faith more firm in itself, than the strength of reasons which enforce its assent, doth require.

20. A Man may with prudence reject a supernatural assent which he had formerly.
21. An assent of faith that is supernatural and available for salvation, may conflict with a probable knowledge only of revelation; nay, with a fear that God hath not spoken it.

22. The faith of one God seems requisite alone by an indispensible necessity, but the explicit belief that God is a rewarder, doth not appear necessary.

23. Faith in a large sense, only from the testimony and evidence of the creation, or some such like motive is sufficient for justification.

24. To call God to witness a lie in a light matter, is so great a dishonor or irreverence to him, as that therefore he will, or can condemn one for it.

25. Whether it was about a small or great matter, if a man has cause for it, he may lawfully take an oath, without any intentions of swearing.

26. If anyone, either alone, or before others, either when he is asked, or of his own accord, or for his diversion, or any other end, shall swear that he did not do a thing, which he really did, reserving a meaning to himself, either of some other thing which he did not do, or of doing it another way, or by adding any other truth to it, in this case he is indeed neither a liar nor perjured.

27. A secret meaning may be used justly as oft as it is necessary or profitable for preservation of life or honor, or saving ones goods, or for any other act of virtue, so that the concealment of truth seems in that case to be expedient or desirable.
28. One that is promoted to be a magistrate, or to some office either by recommendation or bribery, may with a mental reservation take the oath required in such cases, not regarding the intention of him that exacts it, because the party is not bound to confess himself guilty of a crime that is secret.

29. Great and urgent fear is just cause of dissembling in the administration of the sacraments.

30. A person of honor may lawfully kill a man that designs to calumniate him, if he cannot otherwise avoid the reproach; the same may be said, if one gives another a box on the ear, or strikes him with a cudgel, and when he hath done so runs away.

31. For the saving the value of a crown, I may regularly kill a thief.

32. We may not only lawfully defend goods in our possession by killing such as would take them, but also such things to which we have only a right begun or imperfect, and which we have hopes to profess hereafter.

33. An heir or legatee may defend himself against him that unjustly hinders him to take possession of his inheritance, or from receiving his legacy, by the same means a professor or prebend may use against one that hinders them from their possession.

34. It is lawful to endeavor or procure an abortion before the infant is quickened, to hinder the woman’s being killed or defamed, by the discovery of the woman’s being with child.
35. All Conceptions as long as they are in the Womb, its probable are without a reasonable soul, and when they are born begin to have one, and then it follows in any abortion there is no murder committed.

36. It is not only lawful in extreme, but also in great and heavy necessity to steal.

37. If a servant of either sex has not a salary answerable to their service, it is lawful to steal from their masters to the value of their services.

38. It is not mortal sin not to restore that which one stole by many thefts, how great forever the total may be.

39. He that persuades another to do a mischievous thing to a third person, is not bound to make up the damage which is thereby sustained.

40. The Contract of *Moharta* is lawful, though made with the same person, and with the reselling the fame thing, before agreed on, with an intention of gain.

41. Since money laid down in present is more esteemed than money remaining due yet unpaid, and all men value it more than that they look for hereafter, a lender may require more than his stock from him that borrows, and be hereby excused from usury.

42. It is not usury when something above the principal is required as due by way of benevolence and gratitude; but tis only so when exacted as due of right.
43. Why may it not be accounted only a venial sin in any one, to charge a man with a false crime, thereby to lessen his great authority, which is prejudicial to himself?

44. Probably it is not a mortal sin, to fix a false crime on another in defense of our own honor and justice; and if this be not probable there is scarce any opinion in divinity so.

45. To give a temporal thing for a spiritual, is not Simony, when it is not given as the price, but only as a motive for bestowing or doing the spiritual things or when the temporal is only a gratuitous recompense for the spiritual, or that the spiritual be a compensation for the temporal.

46. And this also takes place, although the temporal thing be the principal motive for giving the spiritual; nay, although it be the end of the very spiritual thing, and be higher esteemed than the spiritual.

47. When the Council of Trent doth say, ‘That they partake in other men’s sins, and are guilty of mortal sin, who do not prefer to Churches those whom they shall judge to be more worthy, or more useful to the Churches the Council either first of all by more worthy, seems to mean nothing else but the worthiness of those that are to be chosen, the comparative degree being put for the positive. Or secondly, it puts down more worthy improperly, that it may exclude the unworthy, but not such as are worthy. It means the more worthy should be chosen, when there is a competition.
48. It seems so plain, that fornication has nothing of evil in itself, and is only evil, because it is forbidden to think otherwise, is contrary to reason.

49. Voluntary pollution is not prohibited by the law of nature, from whence it follows, That if God had not forbidden it, it might have been often good, and sometimes obligatory under the pain of mortal sin.

50. Copulation with a married woman, her husband consenting, is not adultery; and therefore in this case it may suffice a man to say in confession, that he has been guilty of fornication.

51. A servant who knowingly helps his master upon his Shoulders to get in at a Window to deflower a virgin, and does many times serve him that way, by bringing a ladder, opening a door, or anything like this, does not sin mortally, provided it be done for fear of some considerable prejudice may otherwise happen to him, as, left he should be ill used by his master, ill looked upon or turned out of doors.

52. Setting aside the scandal, the precept for observing the festivals, does not oblige under the pain of mortal sin provided there be no contempt.

53. The precept of receiving the sacrament yearly, is satisfied by a sacrilegious eating our Lords body.

54. He that cannot recite his Matines and Lauds, but can say the rest of his Hours, is bound to nothing, i.e. is excusable, because the greater part draws the lesser along with it.
55. The precept of receiving the sacrament yearly, is satisfied by a
sacrilegious eating our Lords Body.
56. Frequent confession and communion, even in such as live like
heathens, is a sign of predestination.
57. It is probable that natural attrition is sufficient, provided it be honest.
58. We are not obliged to confess the custom of any sin to a counselor
that asks it.
59. Tis lawful sacramentally to absolve those that by reason of great
crowd of penitents have made but half concession; for instance, this may
happen on some great Festival Day or time of Indulgence.
60. Absolution is neither to be denied, nor deferred to a penitent, that
has got a custom of fighting against the Law of God, of Nature, or the
Church, though there appear no hope of his amendment; if he does but
say, he is sorry, and purposes amendment.
61. He that is conversant in the nearest occasions of Sin, which he can,
and will not avoid, but directly and purposely seeks and thrusts himself
into them, may sometimes be absolved.
62. The nearest occasion of sin is not to be avoided when some
profitable or honest cause, for our not avoiding it, does occur.
63. It is lawful to seek directly the nearest occasion of sinning, for the
spiritual or temporal good, either of ourselves or neighbors.
64. A man is capable of absolution, however ignorant he may be of the
miseries of faith, and though by negligence that deserves blame he does not know the misery of the Holy Trinity and of the Incarnation of our Lord Jesus Christ.

65. It may suffice to have once believed these miseries.¹


GLOSSARY

Abbreviators – Their function was three-fold: They drew up minutes of a Bull; examined difficulties presented by certain clauses and formulas; and signed Bulls in place of the Cardinal Chancellor.¹

Alienation – From the Latin alienare, to make something another’s, to transfer property, means the transfer or conveyance of temporal goods.²

Annates – That portion of the revenues of a vacant benefice paid to the pope.³

Antipope – Rival claimant to the papacy, elected or appointed in opposition to the incumbent subsequently recognized officially as the true pope.⁴

Auditor – An official of the Roman Curia, whose duty is to hear and examine the causes submitted to the pope.⁵

Auditor papae – An official at first the adviser of the pope in consistorial and theological matters, but he afterwards he received judicial power in civil and criminal cases.⁶

Auditors of the Rota – Were originally chaplains of the pope. They later also served as a supreme court for civil cases in the States of the Church.⁷

Brief – An official Papal letter, less solemn than a papal bull.⁸

⁶ Ibid.
⁷ Ibid., 71.
Bull – Solemn Papal document or mandate announcing a binding decision, and carrying a formal seal.9

Camera, Apostolic – A central board of finance in the Papal administrative system, which was of great importance in the government of the States of the Church and in the administration of justice.10

Canon Law - If law is conceived of as only that which is written in official law books, then the law was contained in Gratian's *Concordance of Discordant Canons*,99 the *Decretals* of Pope Gregory IX, and the canons of the Council of Trent.11

Cardinal – Are coadjutors or assistants, and intimate counselors of the Roman Pontiff. They constitute his Senate.12

Case Law - Of at least equal standing with the commentaries were the decisions of the curial courts. Case law -- in particular that decided within the preceding seventy-five years -- formed part of the corpus of written law. Decisions of the Congregation of the Council here held a special place. This committee of cardinals of the Roman Curia was authorized by the pope to interpret the disciplinary decrees of Trent; its rulings had the force of legislation. Decisions of the Congregation, however, were neither collected nor published, and therefore could only be cited when some commentator incorporated an account of one of its rulings in his text. Far more numerous and almost as authoritative were the decisions of the Roman Rota. Two large, albeit unofficial, collections of rotal decisions existed: *Diverse Decisions*, 103 collecting a number of cases from 1530 to 1612, and *More Recent Decisions*, 104 covering, with greater comprehensiveness, the years after 1612.13

Chancery, Apostolic – According to some he gets his name because he cancels defective documents which came to his department; others think he got his name because he was railed off from the public by (cancellos) a grill or

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9 Ibid.
12 Humphrey, *Urbs et Orbis: The Pope as Bishop and as Pontiff*: 90.
13 Noonan, "The Steady Man: Process and Policy in the Courts of the Roman Curia."
652.
bar. The drawing up and expediting of Bulls is the principle occupation of the Papal Chancery.14

Civil Law - Written law could also be understood to include the civil law, the law determined by the state. When a canonist in Rome turned to civil law, he turned primarily to the *Digest, Code, and Institutes* of Justinian.15

College of Bishops – Is the successor body to the college of the apostles, is the subject of supreme and full power in the universal Church (c.336).16

College of Cardinals – a group of bishops that elects the pope. Beyond that critical function, the title of cardinal (from the Latin *cardo*, hinge) is largely honorific. This college assists the pope collectively when called together for that purpose, and individually by serving in the various offices of the Roman Curia and in special assignments (cc.349, 356, 358).17

Consorty – was in effect the main papal council.18

Collation – The granting of a benefice.19

Commendam – A benefice is held in *commendam* (provisionally) in distinction to one held in *titulum* (fully, legally). The term is used especially in the case of abbeys, which were sometime held in this way by men who were not monks, and who drew the revenues but did not exercise authority over the discipline of the monks in the abbey.20

Commentators - Canonical and civil texts did not stand alone. They had been interpreted by glosses, by treatises on specialized subjects, by comprehensive summations, and by collections of answers to real or hypothetical cases.21

16 Coriden, *An Introduction to Canon Law*: 68.
17 Ibid., 70-1.
20 Ibid.
Datary – Has been called by ancient authors the Eye of the pope. Directs the datarius and usually is a Cardinal.\textsuperscript{22}

Datarius – After fifteenth century he became one of the main papal officers, especially in finance.\textsuperscript{23} Originally, a branch of the Apostolic Chancery, became a separate organization in the thirteenth century, officials whose special business it should be to register the dates of the appointments to benefices.\textsuperscript{24}

Decretals – Collection of canons and of decisions in canon laws.\textsuperscript{25}

Depositary – acted as the banker for the pope.\textsuperscript{26}

Faculties, Canonical – Refers to the power granted to a person to perform certain ecclesiastical acts, such as witnessing marriages, preaching, hearing, confessions, or judging a case.\textsuperscript{27}

Gallicanism – From the Latin name for France, Gallia: the teaching current especially in France from the Middle Ages, that local or national churches have independence from Papal control.\textsuperscript{28}

Jansenism – named after Cornelius Jansen, its founder: a religious and doctrinal movement with the Catholic Church from the seventeenth century onwards, which emphasized human sinfulness, the doctrine of predestination and the sovereign grace of God. Because of successive papal condemnations and the interest it took in the early history of the Church, Jansenism became associated with anti-papalism and an emphasis on the independent authority of the bishops; it was therefore allied with Gallicanism and Josephinism.\textsuperscript{29}

\textsuperscript{22} Humphrey, \textit{Urbs et Orbis: The Pope as Bishop and as Pontiff}: 161.
\textsuperscript{23} Partner, \textit{The Pope's Men - The Papal Civil Service in the Renaissance}: 20-1.
\textsuperscript{25} Sarpi, \textit{History of Benefices and Selections from History of the Council of Trent}: 312.
\textsuperscript{26} Partner, \textit{The Pope's Men - The Papal Civil Service in the Renaissance}: 20.
\textsuperscript{27} Peter M. J. Stavinskas, in \textit{Catholic Encyclopedia} (Huntington: Our sunday Visitor Publishing Division, 1991), 391.
\textsuperscript{28} Duffy, \textit{Saints and Sinners - A History of the Popes}: 410.
\textsuperscript{29} Ibid., 411.
Legates – Papal ambassadors and governors.\textsuperscript{30}

Manuscript – Books written by hand on flexible material and intended to be placed in a library.\textsuperscript{31}

Metropolitan – A chief bishop or archbishop.\textsuperscript{32}

Nuncio – permanent diplomatic representative of the pope to a sovereign state, who is also an instrument of papal authority over the local Church.\textsuperscript{33}

Ordinary – A diocesan bishop, so-called because he exercises power by common right (\textit{jure ordinario}).\textsuperscript{34}

Ordinary Power – The supreme and universal power of the Pontificate in the visible Church.\textsuperscript{35}

Plenitude of Power – include legislative power, judicial power, and coercive power.\textsuperscript{36}

Prebend – A share in the revenues of a chapter, enjoyed by a prebendary or canon.\textsuperscript{37}

Provision, Papal – Letters from the pope to a bishop, instructing him to provide the cleric named on the document with a specific vacant benefice.\textsuperscript{38}

Referendarii – Officials who reported to the Emperor on the memorials of petitioners, and conveyed to the judges the orders of the Emperor in connection with such memorials. In the Papal Curia the office of \textit{referendarii Apostolici} originated in the Middle Ages; their duty was to

\textsuperscript{30} Sarpi, \textit{History of Benefices and Selections from History of the Council of Trent}: 312.


\textsuperscript{32} Sarpi, \textit{History of Benefices and Selections from History of the Council of Trent}: 312.

\textsuperscript{33} Duffy, \textit{Saints and Sinners - A History of the Popes}: 412.

\textsuperscript{34} Sarpi, \textit{History of Benefices and Selections from History of the Council of Trent}: 312.

\textsuperscript{35} Humphrey, \textit{Urbs et Orbis: The Pope as Bishop and as Pontiff}: 16.

\textsuperscript{36} Ibid., 11.

\textsuperscript{37} Sarpi, \textit{History of Benefices and Selections from History of the Council of Trent}: 312.

\textsuperscript{38} Ibid.
receive all petitions directed to the Holy See, to report them to the pope, and to tender him advice. The referendarii were entrusted with all arrangements for papal decisions, which they had to prepare for the papal signature (Signatura).\textsuperscript{39}

Resident – The resident problem was that of encouraging or forcing bishops to reside in their sees and priests in their parishes, instead of living at the courts of princes, as many bishops did.\textsuperscript{40}

Roman Court – was the household of a bishop, the ceremonial court of a ruler, and the center of government of the universal Church and the papal state.\textsuperscript{41}

Roman Curia – is the collective name for the complex secretariats, congregations, tribunals, councils, an office which assist the pope in the exercise of his potential office of service to the churches which make up the Roman Catholic communion (c.360).\textsuperscript{42}

Roman Rota - was, in the words of Pius IV, the tribunal where "the more serious cases of all the Christian faithful may be known and decided." Its jurisdiction was worldwide, although the bulk of its business came from Italy. It handled a large variety of ecclesiastical conflicts and a quantity of property disputes, both ecclesiastical and secular. Marriage cases were less than five per cent of its load. Twelve auditors made up the Rota. The senior man was the Dean, who enjoyed particular perquisites and responsibilities. Otherwise the auditors were equal.\textsuperscript{43}

Secretary of Memorial – Takes care of petitions that come in multitudes to the pope from all parts of the world.\textsuperscript{44}

Secretary of Briefs – Was responsible for graces and dispensation granted to Cardinals, legates, nuncios, and other ministers of the Holy See. He also recorded certain bulls that were sent “by secret way” – that is outside the


\textsuperscript{40} Sarpi, History of Benefices and Selections from History of the Council of Trent: 312-3.

\textsuperscript{41} Partner, The Pope’s Men - The Papal Civil Service in the Renaissance: 20.

\textsuperscript{42} Coriden, An Introduction to Canon Law: 71-2.


\textsuperscript{44} Humphrey, Urbs et Orbis: The Pope as Bishop and as Pontiff: 151.
Datary – as the pope saw fit.45

Secretary of State – The name first occurs in 1560 when Charles Borromeo was made this by his uncle Pius IV. They administer the goods and estates of the Holy See and have charge of the Apostolic Palaces. He receives Ambassadors, makes up the budget of receipts and expenditures, and receives many persons who are unable to have audiences of the Pontiff.46

Superintendence of the Ecclesiastical State – this was made up of a commission that appointed a prime minister and described in minute detail the temporal powers that he would exercise. He was responsible for the external domain: all negotiations, no matter how important, with the emperor and with kings, princes, and other powers.47

Simony – From Simon Magnus, a magician who attempted to buy magical powers from the Apostles. The name as given to the sin of paying, receiving money, or favors in return for spiritual office or promotion. In the period of the reform papacy it was thought of as a heresy.48

Temporal Goods – are those which have economic value. They include real estate, personal property, money, securities, entitlements, etc. The universal Church, the Apostolic See and others are capable of acquiring, retaining, administering, and alienating temporal goods c. 1255.49

Tesoreria Segreta – Secret Treasury

Ultramontanism – Latin term meaning “the other side of the mountains,” i.e. the Alps, hence the doctrine that there is a great emphasis on the supreme authority of the pope on the Church as a whole outside his own diocese: the opposite of Gallicanism. By extension, the style of piety and churchmanship associated with the Nineteenth-Century papacy and Italian Church.50

46 Humphrey, Urbs et Orbis: The Pope as Bishop and as Pontiff: 146-47.
49 Coriden, An Introduction to Canon Law: 165.
Vacabili – This term refers to purchased offices. All offices were *vacabili*, or transferable on payment of a fee to another person whom the *Datary* considered acceptable for the office. They should perhaps, in the case of offices which drew curial fees, be considered as a method of farming the fees drawn by *curial* officials.  


Vicario – A deputy in a secular office.  


Vicar Capitular - The administrator of a vacant diocese, elected by a cathedral chapter.  

53 Fanning, "Auditor " 401-2.

Vote – Sarpi’s word *voto* sometimes means “opinion” and sometimes “vote.” Voting took place at the Council by writing *placet* (yes) or *non placet* (no) on a ballot paper.  

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